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Senate

The Senate met at 2 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have shown us that living each day as our only day results in living life at full potential. Thank You for the gift of this new day. Help us pull out all the stops and live with enthusiasm. We renew our commitment to excellence in all we do. Our goal is to glorify You in every responsibility and relationship today. Replenish our wells of creativity, vision, and physical strength. Give us hope in life's burdens and peace in our conflicts. Most of all, dear God, help us not to miss the joy. In the name of Him who brings abundant life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, today, until 3:30 p.m., the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. Following morning business, the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. As announced last week, there will be no rollcall votes during today's session. However, under the previous agreed to order, there will be a cloture vote on the motion to proceed to S. 543 at 2:15 tomorrow. If cloture is invoked, the Senate will continue debate on the motion to proceed for 1 hour, followed by a vote on the motion. Therefore, additional votes may occur during tomorrow's session of the Senate. In fact, I expect that there will be.

Hopefully, the Senate will be able to finish action on the Volunteer Protection Act early this week so we can begin consideration at some point—and it is not clear now whether it would be Wednesday or Thursday; and it will partially depend at least on what happens in the House on the supplemental appropriations bill—but, again, all Senators will be notified of changes in the schedule. And I thank my colleagues for their attention.

THE VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, if I could be heard just briefly on the legislation itself.

You will note that in my opening statement here, the debate is on the motion to proceed. I want the American people to hear that. We basically have the threat of a filibuster from the Democrats on even taking up for consideration the substance of the bill, S. 543.

What is this bill? This bill is the Volunteer Protection Act. I think it is quite a coincidence, highly ironic actually, that there is this meeting now in Philadelphia, the City of Brotherly Love, to encourage voluntarism in America—a worthy goal. And I have been impressed by the participants and by what they have had to say. We need to encourage Americans to volunteer, to be more philanthropic, to contribute what they can, not only of their money but of their time—a worthy goal of America. And while America leads all the rest of the world already in that effort, we can all do more, I am sure.

But now comes this bill and trying to protect volunteers from being sued. In many instances in America, if you volunteer, if you go on a charitable organization's board of directors, if you join some of the volunteer organizations, you run the risk of being sued and being held personally liable.

So in the spirit of the conference going on in Philadelphia, it seems very appropriate to me that the Senate would pass legislation to provide some reasonable modicum of protection against these frivolous lawsuits that discourage people from volunteering, and yet we are being told that we are going to have a filibuster of even proceeding to this bill.

Let me read some of the components of this bill. It says:

> To provide certain protections [not total protections, but certainly protections] to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

It says that:

> The Congress finds and declares that—
>
> (1) the willingness of volunteers to offer their services is deterred [now] by the potential for liability actions against them and organizations they serve;
>
> (2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;
>
> (3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;
>
> (4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is [certainly] an appropriate [action] for [this] Federal legislation;

It goes on and talks about how the threat of lawsuit is limiting volunteers. It is leading to higher costs of private programs as well as public-private cooperation. It then sets out exactly what those limitations are.

If you are actually involved in serious personal misconduct, you still

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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would be subject to liability. But to have some clarification here with regard to when you will be sued, even when you are in effect an innocent bystander in a voluntary capacity, is something that we should do. It is long overdue.

We have known many instances, I am sure, in our own States where these types of lawsuits have been filed. And it is time that we take action. In fact, it goes hand in glove with what is happening in Philadelphia.

So I urge my colleagues that have reservations based on this, if there are concerns by trial lawyers that we can legitimately address, fine. But I do not think we should allow trial lawyers to dictate that we cannot have even the consideration of legislation that would provide some protection for volunteers in America.

Mr. President, again, I urge my colleagues to allow this legislation to go forward. And I hope that our colleagues will be able to vote for a final product by an overwhelming vote.

I yield the floor at this time, Mr. President.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me wish the occupant of the Chair a good day.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into a period of morning business not to extend beyond 3:30 p.m.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be permitted to speak in morning business for not more than 10 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 660 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 15 minutes.

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

TITLE IX

Mr. REID. Mr. President, several months ago I visited White Pine County High School located in Ely, NV, one of the rural spots of Nevada. I was going to speak to an assembly of high school students. I was in a room waiting to give my presentation. In the room were two young ladies. They were dressed in letter sweaters from White Pine County High School. One of them was named Lauren and the other was Casandra.

While waiting, I struck up a conversation with these two young ladies. I asked them what sports they participated in. One of them ran track. She told me she had won the summer tournament in sprints. The other girl said she participated in softball.

So we carried on our conversation for a short period of time. As I was getting ready to go in, one of the young ladies said, ''Senator I don't know what I would do without my sports.''

Mr. President, these two young ladies' ability to participate in athletics is as a result of something that the Federal Government has done.

I started a series of speeches last summer on the Senate floor to discuss the good things that happen in Government. We tend to dwell on the negative, rather than the positive aspects of Government. I talked about how proud I was that we have our National Park System with great parks like Yellowstone, Yosemite, Grand Canyon, and the other great entities that are the envy of the world.

I talked about the Federal Emergency Management Agency, what a great job they have done in Nevada, and how proud I was of the work they had done in the State of Nevada during the recent floods. They are, of course, in every newspaper and on every news program because of the work they are doing with the floods of North Dakota and South Dakota right now.

I talked about the Consumer Product Safety Commission, and about the great work they do to make the marketplace safer for us.

I also talked about the great work that 25,000 men and women engage in every summer in fighting forest fires, principally in the Western part of the United States. They do very courageous things, such as jumping out of helicopters with backpacks weighing almost 100 pounds, and rappelling off the back of helicopters.

These are Government programs. We should acknowledge them. The Federal Government has its shortcomings, and I am the first to acknowledge that. But let's not dwell on the shortcomings. Let's talk about some of the good things that happen.

That is the reason I am here today; to talk about one of the programs that the Federal Government initiated that I think is good. I am here to speak about title IX, enacted as part of the Education Act Amendments of 1972, which gives women and girls equal rights in education and in athletics.

Just a couple of months ago we celebrated the 11th annual National Girls and Women in Sports Day. We had all kinds of star female athletes come here to The Mall in Washington to celebrate the accomplishments of women in sports and to commemorate the upcoming anniversary of title IX.

I think this Federal statute is an example of good Government. What we attempted to do in this legislation is level the playing field for all Americans.

Title IX is an example of Government funding providing just such an opportunity in America. We have not reached the goal of equity for men and women in high school and college athletics. But we have come a tremendous way as indicated, in my opinion, by Lauren and Casandra telling me about their enthusiastic participation in rural Nevada athletics.

So as we approach the 25th anniversary of title IX this June we can be proud of the accomplishments made under this law while looking ahead to the goal of equal treatment for men and women in education and in sports.

In 1972, when this law went into effect, about 1 out of every 30 girls in high school played sports. Today it is 1 in 3. Now women account for 34 percent of athletic participants in high school and college sports.

In 1972, just a small amount of money was spent nationwide on athletic scholarships for women—less than $100,000. Today it is approaching $200 million. Fifty-five percent of women participate in high school sports.

A recent USA Today analysis of 303 NCAA Division I schools found that women comprised 37 percent of all athletes at these schools. There has been an increase even since 1992 in girls participating in college athletics. It is up over 20 percent.

It is a great accomplishment to have one of your children graduate from college. I have had that opportunity with my children. But it is also a great thrill to watch your children participate in athletics at the high school level and at the college level. Only one of my children has participated in athletics at the college level. But that was a great thrill for me to watch my young boy play on three national NCAA championship teams on three separate occasions. He played soccer at the University of Virginia, where they were national champions. Girls should have the same opportunity that my son had to play Division I and Division II college athletics.

Nationwide, 7 million women of all ages play soccer. The number of NCAA Division I women's soccer teams has increased from 22 in 1982 to over 200 now. That is a significant increase. Thanks to title IX, more women are going to college, more women are getting scholarships, and more women are playing sports at a competitive level.

I have always been one that supported college athletics. While some criticize competitive athletics in college, I think they are great. Athletics allows people who would never have set foot within a university campus to get an education. They don't always graduate, even though the graduation rates

are increasing, but it gives them the opportunity to be someplace where they ordinarily would not be able to go. That is good. It should also allow women the opportunity to go to college because of their athletic abilities. Title IX is helping women get athletic scholarships that they would not have gotten just a few years ago. This is important and good for the country and for education generally.

What are the benefits of sports for women and for girls? Women and girls achieve numerous benefits from participating in athletics. In my opinion, with our society becoming increasingly more sedentary, we need to increase physical activity and athletics for all of our citizens—not just for boys but also for girls.

Getting young ladies involved in sports improves their health and well-being, and increases the likelihood they will stick with athletics and exercise throughout their lives.

In addition to the general health benefits of physical activity, a study conducted at the Harvard University's Graduate School of Public Health showed that young women who participated in college sports were significantly—and I stress that—less likely to contract breast cancer and other reproductive cancers.

There are other benefits. Participation in athletics benefits young women in the same way that it benefits young men. Participation in sports has been found to increase the self-esteem of girls and boys.

Mr. President, one of my older boys played football in high school. I was talking on the telephone to one of my friends who had been a college athlete. He and I played ball together in high school. I was concerned that a boy from my son's team had just gone to the hospital with some football injury. And my friend, who is now a veterinarian, told me, ''HARRY, athletics builds character. He may have gone to an emergency room. He is home now. Stick it out. Athletics builds character.'' That it does.

I believe, for those that I have seen participate in athletics generally, it is a character builder. It should be a character builder not only for young men but also for young women.

I believe, as I said, that athletics increases self-esteem of girls and boys. High school athletes have higher graduation rates than nonathletes. Female athletes also have lower dropout rates than nonathletes.

Studies reveal that girls involved in sports are more likely to aspire to be leaders in their communities. Expanding sports opportunities for women and girls will help more women in their leadership roles and help them to lead successful adult lives. If it is true for men, then it should be true for women.

Further, increased opportunity for women in sports increases exposure for women's athletics, and makes it possible for more women to make a career of sports.

Mr. President, the NCAA women's basketball championship this year was a sellout. The women's—not men's but women's—college basketball championship was a sellout. They played great basketball.

When I go home I love to watch women's softball. Last year UNLV was ranked in the top five of the Nation. It was exciting to watch these young women play fast pitch softball. I am sure, if you brought the men's baseball players over to play these young women in softball, that the men would lose. These young women are good. I like to watch women's basketball too. It is just as entertaining as men's. Title IX has played an important role in providing opportunities for women to excel in athletics.

It is important to stress, however, that the intent of title IX was not to cut men's programs but merely to bring women's programs up to the level that they ought to be. This costs money, and many schools aren't willing to shell out this money. Subsequently, title IX has gotten some negative reaction from schools who have limited funds.

Mr. President, I think it is important to note that schools are trying to comply. For example, the University of Nevada at Las Vegas developed a compliance action plan to make changes and work toward compliance with title IX. They have submitted a plan that will put girls athletics at UNLV on a par with male athletics by the year 2001. Their plan is to increase female athletic participation opportunities—scholarship and nonscholarship—by a minimum of 100 over the next 5 years. They are going to add women's soccer in 1998 and add another women's sport in the year 2001. They are going to provide medical support, training and equipment to meet these additional needs; and provide new funding, up to $4 million over the next 5 years, to meet these gender equity needs.

UNLV doesn't currently meet any of the tests for title IX compliance, but they are working at it to the benefit of Nevada's athletes, and I think to education generally.

Mr. President, compliance with title IX is not unreasonable, nor is it impossible. Seven NCAA Division I schools meet the proportionality test, where the percentage of female athletes is within five points of female undergraduates.

Among the schools in compliance are Dartmouth, Lehigh, the University of Massachusetts, Harvard, and Montana State.

So it is not all of these eastern schools. It can be done, if people try. Obviously, Montana State was interested in complying, and they accomplished that.

Even the most basic efforts that schools make toward compliance with title IX have started a nationwide boom in women's sports.

I talked about basketball. But as more women have entered athletics they have not displaced men. Instead the total number of athletes has increased. There has been an ongoing struggle. We have had case decisions in the U.S. Supreme Court. On Monday, April 21, the Supreme Court declined to review a case filed by Brown University where they wanted to test the Constitutionality of title IX.

The Supreme Court would not even consider the case. As a result of that, we are going forward with more proportionality. We are going to make an even playing field.

Because of these positive outcomes, title IX must be supported and enforced because it is good government. Somewhere out there are future female professional athletes and Olympic gold medalists who may never jump a hurdle or pick up a ball if their families, coaches, and schools do not give them the opportunity and the encouragement to play sports. These girls and women who are the champions of the future must be supported. Title IX is vital to that effort.

(Ms. COLLINS assumed the chair.)

CAMPAIGN FINANCE REFORM

Mr. REID. Madam President, when I came to the Senate about 11 years ago, one of the first things I did was come to the Senate floor and talk about the need for campaign finance reform. I thought it would come very quickly. I could not believe, with all the problems that occurred during that election cycle, including what happened in my election in the State of Nevada 11 years ago, we would not rush to reform the way we elect Senators and Members of the House of Representatives.

The problems were replete, with the Federal Election Commission being really a toothless tiger. They had no money to enforce the rules and the laws that existed. Much to my chagrin and, frankly, much to my surprise, 11 years later we have done nothing, zero. In fact, things have even gotten worse. Why? Because the Supreme Court, among other things, declared that any money that goes to a State party cannot be regulated. So this last cycle, even though we had Federal law to the effect that there would be no corporate money in Federal elections since the early part of this century, the Supreme Court stood that on its head, and suddenly not only do we have the problems we have had with a myriad of people trying to skirt the law, now we have the fact that you can use corporate money in Federal elections.

I think that is wrong. I think it is too bad that we have not done something. That is why I am here today to commend and applaud Senators FEINGOLD and MCCAIN for their courageous work on campaign finance reform. I am a cosponsor of that legislation. I do not agree with every jot and tittle, every line and verse within that legislation, but it is a step in the right direction, and I happily joined in cosponsoring that legislation. Why? Because it is going to do some things—it

is going to reform campaign financing significantly and importantly and in a good way. It will require greater disclosure of independent expenditures. I believe independent expenditures is a sore that is festering and is going to wind up tremendously damaging the body politic.

Unnamed people, with money coming from unknown sources, are running campaign ads viciously attacking candidates. That is wrong. That is really un-American.

The McCain-Feingold legislation will require the FEC to provide advance notice to complying candidates if they have been targeted by these independent expenditures or outside organizations.

McCain-Feingold would restrict contributions from people not eligible to vote in Federal elections. It could ban incumbent use of franked mass mailings in the calendar year of an election.

It would increase disclosure and accountability for those who engage in political advertising. And it would strengthen penalties for willful violations of Federal election law. We must do something to make people feel better about the elections.

Elections are 18 months away. Negative ads are already starting around the country. That is wrong. People who say we need to hold more hearings to determine whether or not McCain-Feingold is a good law, I say let us look at what has happened over the past 10 years. Congress has produced almost 6,800 pages of hearings. There have been 3,361 floor speeches. I guess because of this one, it is 3,362 floor speeches. There have been 1,060 pages of committee reports, 113 Senate votes on campaign finance reform, and one bipartisan Federal commission. Certainly this is enough. We have enough information to act responsibly.

Over the next 2 years, Madam President, Congress will deal with changes to regulations and programs that affect virtually every American, from clean air and water to education programs, matters dealing with crime in the streets, juvenile crime, trying to improve our infrastructure, Medicare, Medicaid, problems dealing with our Nation's elderly. In order to address these concerns credibly, should we not first act to reform the way we are elected? I say yes. I hope that my colleagues join hands in rallying around the McCain-Feingold legislation. It is the best we have to bring debate to the Senate floor and to get something done. I have talked about it for 11 years. It has been a problem even longer than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MAINE HIGH SCHOOL PARTICIPATES IN ''WE THE PEOPLE'' PROGRAM

Ms. COLLINS. Mr. President, during this past weekend, 14 students from St. Dominic Regional High School in Lewiston, ME, joined with almost 1,200 other high school students from across the Nation to participate in the national finals for the ''We the People'' competition, a program designed to help students better understand the history of our Constitution and its Bill of Rights, which are the foundations upon which our system of government rests.

The St. Dominic High School students have been representing the State of Maine during this weekend's activities, which will culminate in a national winner being chosen tonight, at an awards banquet here in Washington. The St. Dominic's team spent a considerable amount of time and energy reaching the national finals this weekend by winning various competitions in Maine in order to earn the honor of representing our State.

The 14 members of our State's outstanding team, who should be individually acknowledged for their efforts in this undertaking, are:

Robyn Adair, Michael Beam, Julie Blanchette, Nicole Bouttenot, Rachel Bouttenot, Martin Bruno, Derek Coulombe, Emma Dore-Hark, Jennifer Elliott, Jonathan LaBonte, Kendra LaRoche, Kathryn Mailhot, Michael Theriault, and Matthew Walton.

Of course, in addition to these outstanding students, I want to acknowledge and recognize the hard work of their teacher, Rosanne Ducey, who deserves her fair share of the credit for the team's success as well. The ''We the People'' program coordinator for Maine, Pamela Beal, has also contributed a significant amount of her time and effort to help the St. Dominic team reach the national finals.

The ''We the People'' program, which is administered by the Center for Civic Education, is the most indepth educational program in the country developed specifically to educate high school students about the U.S. Constitution. This past weekend's 3-day national competition re-creates a public hearing in which the student's oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

The ''We the People'' program has been operating for 10 years now. Since its origination, millions of students nationwide have participated in this program at either the elementary, middle, and/or high school level. This program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives.

Mr. President, I'm pleased to be able to recognize the valuable contribution that the St. Dominic Regional High School team has made to the success of the ''We the People'' program, and I wish these students and their teachers the very best of luck. I am proud of their accomplishments.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 25, 1997, the Federal debt stood at $5,345,392,363,906.29. (Five trillion, three hundred forty-five billion, three hundred ninety-two million, three hundred sixty-three thousand, nine hundred six dollars and twenty-nine cents)

Twenty-five years ago, April 25, 1972, the federal debt stood at $428,301,000,000 (Four hundred twenty-eight billion, three hundred one million) which reflects a debt increase of nearly $5 trillion—$4,917,091,363,906.29 (Four trillion, nine hundred seventeen billion, ninety-one million, three hundred sixty-three thousand and, nine hundred six dollars and twenty-nine cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Madam President, I ask unanimous consent that Elizabeth Kessler, a member of my staff, be granted privilege of the floor for the period of time during which the Volunteer Protection Act is discussed.

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

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. ABRAHAM. Madam President, this week in Philadelphia, President Clinton is joining former Presidents Bush and Ford, along with former Chairman of the Joint Chiefs of Staff Colin Powell at a summit to promote voluntarism.

I commend any and all efforts to increase charitable activity on the part of Americans. And I find it extremely fitting that this summit is being held in the City of Brotherly Love because charitable activity does more even than providing help and counseling to those in need. Charitable activity helps all Americans by promoting habits and appreciation of benevolent actions—actions aimed at helping those in need because it is the right thing to do.

Charitable activity binds us together as members of the same community. It helps each of us think of our neighbors, and even strangers, as our brothers, deserving of our care and help. By volunteering, Americans bring us together in our towns, cities, States, and indeed our Nation.

America has a vast interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled $388 billion in 1990.

Meanwhile, revenues for the 19,000 support institutions—which raise money to fund operating organizations—came to $29 billion.

And total revenues for religious congregations were $48 billion. That's 465 billion dollars worth of nonprofit activity we enjoyed in 1990 alone.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report from the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year.

This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated $112 billion.

But there is trouble in the organizations and among the people who promote voluntary, charitable activity in our country. Unfortunately voluntarism is declining nationwide.

According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993.

Americans also are giving less money. The average household's charitable donation dropped from $978 in 1989 to $880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations, for the people who depend on them, and for the social trust that is based on the spirit of association.

This makes gestures, like the summit on voluntarism, important. It also means that we should look for immediate, practical means by which we in government can reduce the burdens that we impose on voluntary, charitable activity.

That is why I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator MCCONNELL, in sponsoring the Volunteer Protection Act of 1997, which we are debating on the floor at this time.

I commend Senators COVERDELL and MCCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers. Those are precisely the activities that we should be protecting and encouraging.

And one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits.

Thus, litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the litigation abuses that plague our small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and it is something I have worked very hard on.

I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto.

I also introduced legislation with Senator MCCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor in this session.

But I believe that our voluntary, nonprofit organizations, perhaps more than any other sector of our country, urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation.

I hope that, given his public support for voluntary activity, President Clinton will support this litigation reform bill, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Litigation adds a variety of onerous burdens to our nonprofit organizations. Among the most obvious is increasing insurance costs.

Mr. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years.

Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795 in just 5 years. Many leagues cannot afford this added expense, on top of increasing costs for helmets and other equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher $24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have lent him his.

Organizations that try to escape skyrocketing insurance costs must self-insure, and Andrea Marisi of the Red Cross will describe self-insurance costs only as ''huge.'' The result? ''Obviously, we have fewer funds available for providing services than would otherwise be the case.''

Outside insurance generally comes with significant deductibles. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of $25,000 to $30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, $100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery—for example going through files for hours on end to establish who did what when—can run into the thousands of dollars as well.

Further, as the Boy Scouts' William Cople puts it:

> We bear increased costs from risk management programs of many kinds—[including] those to prevent accidents. We have higher legal bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. For example, 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty.

The Boy Scouts must do less good so that they can defend themselves from lawsuits, and that just doesn't seem quite right.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, ''Some of our people got to the point where they were just afraid to work because of the threat of lawsuits.''

What makes this fear worse is the knowledge that one need do no harm in order to be liable.

Take for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football.

Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some $7 million, which

Oregon law reduced to about $4 million—far more than the volunteers could possibly pay.

What is more, as Cople points out, ''the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight.''

Clearly, when an injury of this sort occurs, it is a tragic situation. The question is, How should society allocate these responsibilities, and to what extent should a voluntary organization and its volunteers be responsible for the same standard of care as outlined by this jury?

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events—and juries—beyond their control.

Such unreasonable standards of care also penalize our nonprofit organizations.

Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance.

Because the organization is held responsible for essentially all actions by its employees and volunteers, it can take no risks in hiring.

As Mr. Krugel observes, ''If we can't give these kids a second chance, who can?''

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible for only a small portion.

Such findings are a severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although it cannot control local operations, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity.

Such holdings result from juries' desire to find someone with the funds necessary to pay for an innocent party's injuries. But this search for the deep pocket leads to what Ms. Marisi calls a ''chilling effect'' on Red Cross relations with other nonprofits. And the same is obviously true for other national organizations.

The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Madam President.

It will not solve all the problems facing our volunteers and nonprofits.

But it will provide voluntary organizations with critical protection against improper litigation, at the same time that it recognizes the ability of the States to take additional or even alternative protections in some cases.

By setting the standard for the protection of volunteers outright, this bill provides much-needed lawsuit relief immediately to volunteers and nonprofits wherever they may be. Let me briefly describe what this bill does.

The bill protects volunteers from liability unless they cause harm through action that constitutes reckless misconduct, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights and safety of those harmed.

This ensures that where volunteers truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have described, some of them clearly frivolous—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded.

It is unfortunate that charities and volunteers have punitive damages awarded against them in the first place, but they do.

Congressman JOHN PORTER, who is leading the fight for this legislation on the House side, reports that in August 1990, a Chicago jury awarded $12 million to a boy who was injured in a car crash. The negligent party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or Government entity only upon a showing by the claimant that the volunteer's action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed.

This should ensure that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for because of the egregious conduct of the defendant.

The bill also protects volunteers from excessive liability that they might face through joint and several liability.

Under the doctrine of joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, any defendant that is a volunteer, nonprofit organization, or Government entity will be jointly and severally responsible for the full share of economic damages but will only be responsible for noneconomic damages in proportion to the harm that that defendant caused.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States.

First, the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do even more.

But second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a statute specifically providing for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision in order to maintain the proper balance of federalism in this legislation.

Madam President, in short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay.

Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater. And that, Madam President, will make for a better America. I urge my colleagues on both sides of the aisle to support this important piece of legislation.

We talk often in this Chamber about how to foster a sense of community in America. It is something which many people have a varied perspective on. But it strikes me, Madam President, that nothing can do more to help generate the sense of community than to create an atmosphere in which people stop looking at their neighbors as possible plaintiffs and defendants and start looking at them as friends and neighbors again.

I think we have moved in the wrong direction because of the litigation explosion generated by frivolous lawsuits. I think legislation such as the Volunteer Protection Act will help to redress that balance and put us back on the right course so that the ideals that are being talked about these days in the summit in Philadelphia can truly be realized and effectuated to their maximum possible degree.

For that reason, I am glad to be a cosponsor of this legislation. I look forward to speaking again on it here as the debate continues. I do hope our colleagues will join us in supporting this very important piece of legislation which we might, with some help, get through the Congress in the very near future.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Madam President, as I noted in my past remarks a moment or so ago, today in Philadelphia, PA, some of the leaders of our country, former Presidents as well as President Clinton and numerous other elected officials and volunteer leaders from around the Nation, are meeting to try to provide incentives to all of us to take a greater and more active role in volunteering in our communities to help our fellow citizens.

In light of that happening, I cannot help but think about a friend of mine who passed away a couple of years ago, former Gov. George Romney of Michigan.

Governor Romney was elected Governor of our State in 1962 and held that job for 6 years, at which time he was asked to join the Cabinet of President Nixon and became Secretary of Housing and Urban Development. Prior to his Government service, he had been the president of American Motors Corp. So he had a distinguished career in both business as well as in the public sector.

When he left Government officially, he then made sort of his principal focus in life the spirit of voluntarism and worked in a variety of ways throughout his remaining 20 years or so of life to try to generate nationwide interest and support for voluntarism. In fact, he started as head of the national organization called Volunteer, I believe, whose job it was to try to provide stimulus for greater volunteer participation.

I recall very vividly in 1991 when Gov. John Engler was elected to his first term in our State. Governor Romney reinvolved himself in the voluntarism activity level in Michigan and helped put together a bipartisan voluntarism commitment in our State that has done many good deeds as a consequence.

He also was active in the Points of Light organization nationally. He was on the board of the nonprofit entity, Points of Light, I believe it is called, and certainly served as an inspiration in both the launching of that as well as its successful development.

I mention him today not just because of the connection to voluntarism that the summit provides but also because it turns out he was perhaps, more than anyone, the inspiration for this summit, having thought of the idea and recommended it, I believe, to Mr. Wofford and others who then moved it forward.

So he was an inspiration both to his Nation and certainly to this U.S. Senator in many ways. But also he should be remembered today on the floor of the Senate, as so many Americans will spend the next day or so focusing on what they can do to help others in their communities. It is people like George Romney who have called our attention to the enormous challenges ahead of us.

So I wish to mention him today to recall his many achievements, his many contributions, and how much I am confident that, were he still alive, he would be involved even today, in Philadelphia, if he could have been, in helping to further the cause for which he had such a great commitment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, it is my understanding that the Senate is considering S. 543.

The PRESIDING OFFICER. The Senate is on a motion to proceed to that bill, S. 543.

Mr. COVERDELL. Mr. President, I yield myself whatever time is necessary to make my statement.

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

Mr. COVERDELL. Mr. President, today the Senate begins debate on the motion to proceed to S. 543, the Volunteer Protection Act of 1997.

This bill would grant immunity from personal civil liability under certain circumstances to volunteers working for nonprofit organizations in governmental entities. This legislation is intended to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers.

It is appropriate that we consider this issue today. Yesterday in Philadelphia a remarkable gathering got underway. The President's Summit for America's Future brought together President Clinton, President Bush, President Ford, President Carter, Gen. Colin Powell, and other national leaders in an effort to focus the Nation's attention on the importance of and the need for volunteer service.

The assembled leaders there issued a call to action, asking every American to do more, asking all of us to volunteer our time and efforts in community service.

This is in the best tradition of America. Since before our Nation's founding, charities have helped the poor, counseled the troubled, and by their example taught us to care for our neighbors. They are the key to our survival as a nation. Americans have a proud history of supporting volunteers.

Yet, many who would heed the call of the Philadelphia summit will not do so—not because they lack the desire or the ability to help, but because they, quite frankly and rightly, fear risk of liability in a society that seems too often to resemble a lawsuit lottery.

In a recent Gallup survey of nonprofit volunteers, one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability. Eighteen percent of those surveyed had withheld their leadership services due to fear of liability.

These numbers reflect a chilling effect that causes potential volunteers to suppress their good intentions and their desire to get involved. Nonprofit organizations rely heavily on volunteers. Moreover, the very act of participating in charitable work helps bind Americans together as a people. At a time when there is so much good work that needs to be done, we cannot afford to have good people turn away for fear of a devastating lawsuit.

That is why I introduced the Volunteer Protection Act, along with Senator MCCONNELL, who has dedicated long service to this effort and who has been an outstanding leader on the issue, and Senator ABRAHAM, Senator SANTORUM, and Senator ASHCROFT. We have since been joined by a number of our colleagues.

Briefly, Mr. President, our bill provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by a volunteer's negligent acts or omissions on behalf of the organization. To enjoy this protection, the volunteer must be acting within the scope of his or her responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

It is also important to note that the protection from liability does not extend to misconduct involving violent crimes, hate crimes, sex crimes, or civil rights violations. It does not apply where the defendant was under the influence of drugs or alcohol. This ensures that where volunteers truly exceed the bounds of appropriate conduct, they are liable.

The bill is intended to protect volunteers who make simple, honest mistakes. Where behavior is more egregious, no protection is warranted. But in the many ridiculous cases where no such wrongdoing occurs, the volunteer will not face a lawsuit or financial ruin. We want to encourage people to get involved without the fear of losing their home and all the family assets in a lawsuit if an act happens.

Persons injured by a volunteer's simple negligence will still be able to bring suit against the organization itself to compensate for their injuries. As a result, nonprofit organizations will continue to have the duty to properly screen, train, and supervise their volunteers. Nothing in this bill encourages carelessness on anyone's part.

The bill requires clear and convincing evidence of gross negligence before

punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. Because punitive damages are intended to punish and deter misconduct, a higher standard is required to trigger those damages. Punitive damages will only be available where the defendant's conduct merits punishment.

This bill also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer. For noneconomic losses, the volunteer, the organization, and others who may be at fault in a given action will be responsible for paying only for their portion of the harm. Any defendant will continue to be jointly and severally liable for economic loss.

We have seen a problem with joint and several liability in which one defendant is made to pay for all damages even though responsible for only a small portion. Such results are a severe burden on the United Way, the national organization sponsoring numerous local nonprofits. Although it cannot control local operations, the United Way often must defend itself in suits arising from injuries caused by the local entity.

These holdings result from juries' desires to find someone with funds to pay for an innocent party's injury but the search for deep pockets produces what a Red Cross spokesperson calls ''a chilling effect'' on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller more innovative local agencies that might make it more effective.

So, on the issue of joint and several liability, the bill promotes a balance between ensuring full compensation for economic losses, including medical expenses, lost earnings, placement services, and out-of-pocket expenses, among others, and ensuring fairness in not holding volunteers, nonprofit organizations, and government entities responsible for noneconomic harm they do not cause.

Mr. President, in putting this bill together, we were mindful of the concerns about federalism. While the bill will generally preempt State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers, nonprofit organizations, and government entities. This sets an outer limit of volunteer liability while permitting States to provide even greater protections.

We give States flexibility to impose conditions and make exceptions to the granting of liability protection. And we allow States to affirmatively opt out of this law for those cases where both the plaintiff and the defendant are citizens of that State.

Mr. President, the independent sector reports that the percentage of American volunteering dropped from 54 percent in 1989 to 48 percent in 1993. That, I might add, represents thousands upon thousands of volunteers. Obviously, there are a number of relevant factors explaining this decline. But one major reason is America's litigation explosion.

Nonprofits must spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits. Litigation renders them less effective at helping people, and it scares off the volunteers which they rely on.

Mr. President, in closing, let me just once again remind my colleagues of the historic summit that occurred in Philadelphia yesterday. That summit was designed to remind Americans of something that is so very much unique to our Nation. The world has long studied and wondered and marveled at the American volunteer.

I was fortunate to be the Director of the United States Peace Corps, which has sent about 150,000 volunteers into over 100 countries over the last 35-plus years. So I have had a chance to look right in the eye at this unique quality of the American spirit and can attest to it, and admire it.

Your work is not finished when you leave the country that you have served. When you return to the United States the third goal begins—helping to make America understand the world. To do that we call on the volunteers to step forward again, again, and again.

The United States should do everything within its power to nurture this unique treasure and to make it grow. It is infectious, and it is wonderfully healing.

On my trip from the airport to the Senate Chamber, I was advised that this legislation has been caught in a leveraging dispute, and it is a dispute in which I participated—the Executive order proposed by the administration to very much narrow those eligible for Federal contract work. That dispute will go on for some time, but I cannot think of a worse piece of legislation to be dragged into the dispute. It should not be ensnarled. It should become another demonstration of what Republican and Democrat Presidents said to the Nation in Philadelphia yesterday. I hope the other side would think very carefully about drawing the Volunteer Protection Act, which is an extension of efforts to strengthen the American volunteer, into that dispute.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R. F. Bennett, and Mike DeWine.

Mr. COVERDELL. Mr. President, for the information of all Senators, this cloture vote would occur on Wednesday of this week if cloture is not invoked tomorrow at 2:15. As always, all Senators will be notified as to when they can anticipate this vote on Wednesday, if it is necessary.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 30

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the United States Senate has given its advice and consent to the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the ''Convention'').

During the past several months, the Senate and the Administration, working together, have prepared a resolution of advice and consent to ratification of unusual breadth and scope. The resolution that has now been approved by the Senate by a strong, bipartisan vote of 74–26 contains 28 different Conditions covering virtually every issue of interest and concern. I will implement these provisions. I will, of course, do so without prejudice to my Constitutional authorities, including for the conduct of diplomatic exchanges and the implementation of treaties. A Condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution.

I note that Condition (2) on Financial Contributions states that no funds may be drawn from the Treasury for payments or assistance under the Convention without statutory authorization and appropriation. I will interpret this Condition in light of the past practice of the Congress as not precluding the utilization of such alternatives as appropriations provisions that serve as a statutory authorization.

I am grateful to Majority Leader Lott, Minority Leader Daschle, and Senators Helms, Biden, Lugar, Levin, McCain and the many others who have devoted so much time and effort to this important ratification effort. It is clear that the practical result of our work together on the Convention will well serve the common interest of advancing the national security of the United States. In this spirit, I look forward to the entry into force of the treaty and express my hope that it will lead to even more important advances in the United States, allied, and international security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 1997*.

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 31

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

—In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

—In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

—In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

—In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

—In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

—In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

—In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative

technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act of 1997 (as contained in Public Law 104–208), I determined that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

—In connection with Condition (28), Constitutional Protection Against Unreasonable Search and Seizure: (i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized, and (ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

In accordance with Condition (26) on Riot Control Agents, I have certified that the United States is not restricted by the Convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in a use of force of a scope, duration and intensity that would trigger the laws of war with respect to U.S. forces.

In connection with Condition (4)(A), Cost Sharing Arrangements, which calls for a report identifying all cost-sharing arrangements with the Organization, I hereby report that because the Organization is not yet established and will not be until after entry into force of the Convention, as of this date there are no cost-sharing arrangements between the United States and the Organization to identify. However, we will be working with the Organization upon its establishment to develop such arrangements with it and will provide additional information to the Congress in the annual reports contemplated by this Condition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 1997*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1752. A communication from the Administrator of the Agricultural Marketing Service, transmitting, pursuant to law, a rule entitled ''Onions Grown in South Texas'' (FV97-959-1) received on April 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1753. A communication from the Acting Administrator of the Farm Service Agency, transmitting, pursuant to law, a rule entitled ''Amendments to the Regulations'' (RIN0560–AF12) received on April 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1754. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the state of the reserves; to the Committee on Armed Services.

EC–1755. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''Nuclear Attack Submarines''; to the Committee on Armed Services.

EC–1756. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled ''Exchange Visitor Program'' received on April 17, 1997; to the Committee on Foreign Relations.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. WARNER, from the Committee on Rules and Administration:

Special Report entitled ''Review of Legislative Activity by the Committee on Rule and Administration During the 104th Congress'' (Rept. No. 105–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI):

S. Res. 79. A resolution to commemorate the 1997 National Peace Officers Memorial Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

UNIVERSITY OF ALASKA LAND GRANT

Mr. MURKOWSKI. Mr. President, in my State of Alaska the University of Alaska is the oldest post-secondary school. The university was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world. The expertise of the university has been in many areas, mining, agriculture, arctic and subarctic sciences.

Additionally, the university has served as an important cornerstone in the history of our State. For example, the university housed the Alaska Constitutional Convention where the fathers of our statehood act carved out the rights and privileges guaranteed to Alaskan citizens. Further, Mr. President, the university is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska unique is the fact that it is the only land-grant college in the Nation that is virtually landless today.

As some of my colleagues know, one of the oldest and most respected ways of financing America's educational system has been from the land-grant system. This was established in 1785 and the practice gives land to schools and universities for their use in supporting their educational endeavors. in 1862, Congress passed what was then known as the Morrill Act, which created the land-grant colleges and universities as a way to underwrite the cost of higher education to more and more of America's young people. These colleges and universities received land from the Federal Government for facility location, and more importantly as a way to provide for sustaining revenues to those educational institutions.

Mr. President, the University of Alaska received the smallest amount of land of any State, with the exception of Delaware that has a land-grant college. Delaware received about 90,000 acres. Even the land-grant college in Rhode Island received more land from the Federal Government than has the University of Alaska. Rhode Island received 120,000 acres.

In a State the size of Alaska, about 365 million acres, we should logically have one of the best and most fully

funded land-grant colleges in the country. Yet, to date, the University of Alaska only has about 111,000 acres. Unfortunately, without the land promised to Alaska under the land-grant allocation system in earlier legislation, the university is unable to share as one of the premier land-grant colleges in this country.

Previous efforts were made in Congress to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's delegate to Congress, Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres in the Tanana Valley outside Fairbanks for the support of an agriculture college and school of mines.

Following the practice established in the lower 48 States for the other land-grant colleges, Wickersham's bill set aside every section 33 of the unsurveyed Tanana Valley for the Alaska Agriculture College and Schools of Mines.

Alaska's educational future at that time looked favorable. Many Alaskans saw the opportunity to set up an endowment system similar to that set up by the University of Washington in the downtown center of Seattle, WA, where valuable university lands are leased providing funding for the university's maintenance and upkeep as well as some capital projects.

However, in Alaska's case, before the land could be transferred to the Alaska Agricultural College and School of Mines, renamed the University of Alaska in 1935, the land had to be surveyed in order to establish the exact acreage included in the reserve lands.

The section reserved for education could not be transferred to the college until they had been delineated. According to records at the time, it was unlikely given the incredibly slow speed of surveying that the land could be completely surveyed before the end of the current century. Surveying is still an extraordinarily slow process in Alaska's remote and unpopulated terrain.

In all, only 19 section 33's, or approximately 11,211 acres, were ever transferred to the University of Alaska. Of this, 2,250 acres were used for the original campus, and the remainder was left to the discretion of the board of regents to support educational programs and facilities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the university. This grant totaled approximately 100,000 acres, and to this day comprises the bulk of the university's total 111,211 acres of land—less than one-third of what was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the unfulfilled land grants. The university was thus left with little land with which to support itself and is thus unable to completely fulfill its mission as a land-grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the university in 1915 and put the university on an even footing with other land-grant colleges in the United States. It provides the university with the land needed to support itself financially and it offers the chance to grow and continue to act as a responsible steward of the land and educator of young Alaskans. It also provides a concrete timetable under which the university must select its land and the Secretary of Interior must act upon those selections.

This legislation also contains significant restrictions on the land that the university can select. The university cannot select land located within a conservation system unit, land validly conveyed to the State or an ANCSA corporation or land used in connection with Federal or military institutions.

Accordingly, Mr. President, under my bill, the university must relinquish extremely valuable inholdings in Alaska once it receives its second-tier State/Federal grant under section 6, of this bill. Therefore, the result of this legislation will mean, specifically, relinquishment of prime university inholdings in such magnificent areas as the Alaska Peninsula and Maritime National Wildlife Refuge, the Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve and Denali Park and Preserve. Mr. President, not only does this bill uphold a decades-old promise to the University of Alaska, it further protects Alaska's unique parks and refuges.

Recognize, Mr. President, my bill requires the State to participate in the process, as well, under an option. Specifically, the bill would grant the university 250,000 acres of Federal land. The university would be eligible to receive another 250,000 acres of Federal land on a matching basis with the State, for a total of 500,000 additional acres. This would be at the option of the legislature, the Governor, and the university's board of regents

Mr. President, the State matching provision is an important component of this legislation. Most agree with the premise that the university was shorted land. However, some believe it is the sole responsibility of the Federal Government to compensate the university with land, while others believe it is solely the responsibility of the State to grant the university land. The legislation I am introducing today offers a compromise, a compromise giving both the State and the Federal Government the opportunity to contribute, as well as provide the Government with valuable inholdings in Federal parks and preserves.

With the passage of this bill, Mr. President, the University of Alaska will finally be able to act fully as a land grant college, and will be able to select lands that can provide the university with stable revenue sources, as well as provide responsible stewardship for the lands.

This is an exciting time for the University of Alaska. The promises that were made 82 years ago could be fulfilled with this legislation, and Alaskans could look forward to a very bright future for the university and the many Alaskans who receive an education there.

I ask unanimous consent, at this time, to have printed in the RECORD the proposed inholdings that the University has which would be deeded over to the Federal Government under this legislation, a history of the university of Alaska's land grant from the time we were designated as a territory, land grant rankings of all the States, as well as a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;

(2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain federal land for the University of Alaska;

(3) the Territory was unable to receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by Sec. 6(k) of the Alaska Statehood Act (P.L. 85–508, 72 Stat. 339);

(4) only one other state land grant college in the United States has obtained a smaller land grant from the federal government than the University of Alaska has received, and all land grand colleges in the western states of the United States have obtained substantially larger land grants than the University of Alaska;

(5) an academically strong and financially secure state university system is a cornerstone to the long-term development of a stable population and to a healthy, diverse economy and is in the national interest;

(6) the national interest is served by transferring certain federal lands to the University of Alaska which will be able to use and develop the resources of such lands and by returning certain lands held by the University of Alaska located within certain federal conservation system units to federal ownership;

(7) the University of Alaska holds valid legal title to and is responsible for management of lands transferred by the United States to the Territory and State of Alaska for the University and that an exchange of lands is consistent with and in furtherance of the purposes and terms of, and thus not in violation of, the Federal grant of such lands.

(b) PURPOSES.—The purposes of this act are—

(1) to fulfill the original commitment of Congress to establish the University of Alaska as a land grant university with holdings sufficient to facilitate operation and maintenance of a university system for the inhabitants of the State of Alaska; and

(2) to acquire from the University of Alaska lands it holds within federal Parks, Wildlife Refuges, and Wilderness areas.

SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and

the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of federal lands (or reserved interests in lands) in or adjacent to Alaska as a federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior (''Secretary'') shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48 month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: *Provided*, That the University may select small tracts of federal land within federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

(4) The University shall make no selections within Conservation System Units as defined in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).

(5) Within forty-five (45) days of receipt of a University tentative selection, the Secretary shall publish notice of said selection in the Federal Register. Such notice shall identify lands included in the tentative selection and provide for a period for public comment on the tentative selection not to exceed sixty (60) days.

(6) Within six months of the receipt of a University tentative selection, the Secretary shall notify the University of his acceptance or objection to each tentative selection, including the reasons for any objection. Failure to object within six months shall constitute approval by the Secretary. Any public comments submitted in response to a public notice issued pursuant to paragraph (5) above may be considered by the Secretary: *Provided*, That the Secretary may object to tentative selections of the University if and only if he demonstrates that a conveyance of such to the University—

(A) will have a significant adverse impact on the purposes for which a Conservation System Unit was established; or

(B) will have a significant adverse impact on fulfillment of the Alaska Statehood Act or the Alaska Native Claims Settlement Act. (43 U.S.C. 1601)

(7) The Secretary's acceptance of, or objection to, any tentative selections submitted by the University of Alaska pursuant to Section 2 of this Act or the conveyance of any such selections by tentative approval, patent or other instrument are not major federal actions within the means of section 102 (2)(c) of P.L. 91–190.

(8) The Secretary shall publish notice of any decision to accept or object to a tentative selection in the Federal Register.

(c) The Secretary shall not approve or convey, under this grant,

(1) any federal lands which, at the time of enactment of this Act, are included in a Conservation System Unit;

(2) any federal lands validly selected or top filed pursuant to §906(e) of Public Law No. 96–487 but not conveyed to the State of Alaska or the corporations pursuant to the Alaska Native Claims Settlement Act; or

(3) any federal lands withdrawn and actually used in connection with the administration of any federal installations and military reservations unless the head of the land holding or occupying agency or entity agrees.

(d) If, following the Secretary's review of tentative selections by the University, the amount of acreage approved by the Secretary for conveyance is less than the full primary grant, the University may select additional lands to satisfy the primary grant.

(e) Upon the University's tentative selection of land—

(1) Such land shall be segregated and unavailable for selection by and conveyance to the State of Alaska or any corporation organized pursuant to the Alaska Native Claims Settlement Act and shall not be otherwise encumbered or disposed of by the United States pending completion of the selection process.

(2) The University shall possess the non-exclusive right to enter onto such lands for the purpose of—

(A) assessing the oil, gas, mineral and other resource potential therein. The University, and its delegatees or agents, shall be permitted to engage in assessment techniques including but not limited to core drilling to assess the metalliferous or other values, and surface geological exploration and seismic exploration for oil and gas: *Provided* That this paragraph shall not be construed as including or allowing exploratory drilling of oil and gas wells; and

(B) exercising due diligence regarding the making of a final selection.

(f) Within one year of the Secretary's approval of a tentative selection, the University may make therefrom a final selection pursuant to this Act. Within six months of such final selection by the University, the Secretary shall issue a tentative approval of such final selection. Such tentative approval shall be deemed to transfer to the University all right, title, and interest of the United States in and to the described selection. Any lakes, rivers and streams contained within such selections shall be meandered and lands submerged thereunder conveyed in accordance with 43 U.S.C. §1631, as amended. Upon completion of a survey of lands included within such tentative approval, the Secretary shall promptly issue patent to such lands. Pending issuance of a patent, the University shall have rights and authorities over tentatively approved lands consistent with those under the Alaska Statehood Act and the Alaska Native Claims Settlement Act, including the right to transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interest in the lands granted pursuant to this Act.

(g) The Secretary of Agriculture, as well as the heads of other federal agencies, shall take such actions as may be necessary to facilitate and expedite the implementation of this Act by the Secretary of the Interior.

SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF ALASKA HOLDINGS.

(a) As a condition to receiving the land grant provided by Section 6 of this Act, the University of Alaska shall convey to the Secretary those lands listed in ''The University of Alaska's Inholding Reconveyance Document'' and dated April 24, 1997.

(b) The University shall begin conveyance of the lands listed in (a) above upon taking title to lands it has selected pursuant to section 6 of this Act and shall convey to the Secretary a percentage amount of land proportional to that which it has received, but in no event shall it be required to convey any lands other than those listed in (a) above to the Secretary. The Secretary shall accept quitclaim deeds from the University for these lands.

SEC. 4. ALIENATION OF LANDS.

Nothwithstanding any other provision of law, the University of Alaska may transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present future interests in the lands granted pursuant to this Act.

SEC. 5. JUDICIAL REVIEW.

The University of Alaska has the right to bring action for, including but not limited to, relief in the nature of mandamus, against the Secretary for violation of this Act or for review of an agency decision under this Act. Such an action can only be brought in the United States District Court for the District of Alaska and within two (2) years of the alleged violation or the final decision-making. For all other entities or persons, decisions of the Secretary shall be final and conclusive.

SEC. 6. STATE MATCHING GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth in this Act, the University is granted and shall be entitled to take, in addition to the primary grant provided for in Section 2 herein, up to another 250,000 acres in federal lands (or reserved interests in lands) in or adjacent to Alaska: *Provided* That any additional acres are granted, as specified below, on a matching acre-for-acre basis to the extent that the State of Alaska shall first grant to the University State-owned land in Alaska.

(b) The university may select and the Secretary shall convey lands which the University is entitled to receive pursuant to this State Matching Grant Provisions in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

HISTORY OF THE UNIVERSITY OF ALASKA LAND GRANT

1785—The Ordinance of 1785 established the rectangular survey of New England as the basis of which all land west of Ohio would be subdivided. Land was surveyed into townships composed of 36 sections of 640 acres or one square mile each. The law also established the principle of reserving section 16 of every township ''for the maintenance of public schools.''

1848—With the Admission of Oregon in 1848, the grant doubled from one section to two sections (16 & 36). Three of the last four states admitted into the union, UT, NM, and AZ each got four sections (2, 16, 32, and 36).

1842—The Morrill Act passed which dedicated lands to states for ''agriculture and mechanic arts''. The grants were based on population as measured by the size of the delegation with each state receiving approximately 30,000 acres/member.

1915—Alaska Delegate James Wickersham pushed through a measure in Congress which reserved lands for a common school system and an agricultural land grant college in the Tanana Valley. The bill followed the pattern of reserving 2 sections of every township for support of ''common schools.'' (About 20 million acres in AK). Wickersham's bill also set aside every section 33 in the Tanana Valley for support of an agricultural college and school of mines. (Approx. 250,000 acres).

1916—Wickersham introduces first statehood bill ''Granting'' 11.3 million acres for higher education and 20 million acres for public schools.

1917—Alaska territorial legislature formally incorporates the Alaska Agricultural College and School of Mines (Renamed UA in 1935) as Alaska's land grant institution.

Up to this point no land had every been transferred to University due to fact that all bills required a survey to occur before transfer and AK had never been surveyed.

By the time federal grant would be revoked only 19 section 33's out of a possible 420 had been surveyed and transferred to the University. Ultimately the University received 11,211 acres of section 33's of which 2,250 were he original campus.

1929—Congress passes act ''Granting'' 100,000 acres for the ''exclusive use an benefit'' of the Alaska Agriculture College and School of Mines making up the bulk of the University's approx. 111,000 acres.

1936 to 1943—During the 74th, 75th, 76th, 77th, and 78th Congress Alaska Delegate Anthony J. Dimond Introduced five identical bills to extend the 1915 land grant to all section 33's, not just those in the Tanana Valley, for a total land grant of approx. 10 million acres.

1943—Bartlett introduces statehood bill reserving two sections of each township (20m acres) for support of schools and 1 section of every township (10m acres) for higher education. For the most part this formula existed in all statehood bills through 1949. (Exception is a compromise bill between Bartlett and then-Secretary Gardner during mid 40's which never went anywhere).

1950—Since Alaska could not receive title to a specific section of land until it was surveyed in 1950 Congress rejected ''in place grants'' of specific sections of townships and endorsed the concept of ''quantity'' grants. This concept was incorporated in all future statehood bills.

All statehood bills during the 50's supported around 103.3 million acres for the state with a typical breakdown as follows:

100m acres—general grant;

.8m—community development grants to be used for expansion of communities; and

3.25m—for ''internal improvements as follows

500,000 acres—university;

500,000 acres—teacher's college;

500,000 acres—public buildings;

200,000 acres—schools and asylums (deaf, dumb, and blind);

200,000 acres—penitentiaries;

200,000 acres—mental institutions;

200,000 acres—charitable, penal, and reform institutions; and

250,000 acres—pioneer homes.

1954—UA President Ernest Patty made several requests to DOI for more land including lands in the NPR–A.

1955—University Board Of Regents passes resolution asking Congress to give University authority to select up to 500,000 acres with mineral rights.

1958—With the passage of Statehood the ''internal improvement grants''—including the University's 500,000 acres and the 500,000 acres for the University's teacher training programs were consolidated into the 100 million-acre general grant leaving disposition of all 102,550,500 acres at the discretion of the legislature. Statehood also canceled the 1915 education reserve (though it did confirm the University's rights to the few thousand acres of section 33 land that were already reserved and surveyed).

Passage of the Statehood bill virtually ended all discussion of federal land grants.

1959—University attorney, Ed Merdes, wrote Senator Bartlett about impact of Statehood bill on Tanana selections. After extensive research a legislative aide, Joe Josephson wrote Merdes back and said unequivocally that Congressional intent in the statehood bill was for the new state government to address University land grant;

''The theory of the land-grant provisions in the statehood act was they would replace inter alia (among other things) the reservations authorized in 48 U.S.C. 353 and that the state university would petition the sate government to satisfy the needs of the University which previously to statehood were met in part by 48 U.S.C. 353.'' (Josephson to Merdes, 10 November 1959, Pres Papers)

1959—House Bill No. 176. Of the New Legislature declared the intent to reserve one million acres for the university and declared the legislature's ultimate attempt to reserve 5 million acres ''for the purpose of replacing those grants previously allowed under federal law . . . which has been superseded . . . and for the further purpose of establishing a means by which the University may be properly maintained and operated and direct state support thereby reduced.''

To much surprise Governor Egan vetoed the bill. His main reason was that this could lead to further earmarking of state land and dollars for other ''internal improvements'' and that this was not sound administrative procedure. Egan suggested it was much more prudent to appropriate and bond for the University.

1960's—With Governor Egan's opposition to the State grant future bills never received much support in the legislature. With the defeat of Egan in 1966 by Walter Hickel, Hickel promised a new era of Alaska economic development and support for the University. Yet one month later Secretary Udall declared a land freeze in Alaska that virtually brought all state land selections to a halt, and consequently froze the University land grant as well.

1970's—Legally and politically the Alaska land picture grew more complex year-by-year. Within the next 15 years the open public doman in AK would essentially vanish, as the entire state was parceled off among development interests, environmental interests, and native groups with the passage of ANCSA in 1971, construction of TAPS in 74–77, and passage of ANILCA in 1980.

1995—After passing the legislature Governor Knowles vetoed a SB 16 granting the University 350,000 acres of state lands. The Governor declared his support for the concept but wanted assurances that: (1) the University would not select any lands needed by growing communities; (2) oil found on ''new'' university lands were subject to permanent fund requirements and royalties and bonus payments to the state; and (3) that all environmental and mineral entry laws would apply.

1996—FHM bill introduced in Senate setting up a matching grant provision.

1996—A new bill, SB 250, passed the legislature by a 46–12 vote and was again vetoed by Governor Knowles for many of the same reasons stated in the first veto.

Region and area	UA ID number	Acres	Federal land type
South Central:			
Alaska Peninsula	AP.UL.001	8	AK Peninsula & Maritime National Wildlife Refuge.
.....do	AP.UL.001	360	Do.
.....do	AP.UL.002	8	Do.
.....do	AP.WB.001	622	Do.
.....do	AP.WB.002	56	Do.
Nuka Island	HM.NK.001	23	Kenai Fjords National Park.
.....do	IIM.NK.002	24	Do.
Blackburn Subd.	WR.BB.001	5	Wrangell St. Elias National Park & Preserve
.....do	WR.BB.002	17	Do.
.....do	WR.BB.003	2	Do.
.....do	WR.BB.004	34	Do.
McCarthy Creek Subd	WR.MC.001–071	867	Do.
.....do	WR.MY.003	1,304	Do.
.....do	WR.MY.004	320	Do.
.....do	WR.MY.005	2,240	Do.
.....do	WR.MY.006	640	Do.
.....do	WR.MY.007	400	Do.
.....do	WR.MY.008	372	Do.
.....do	WR.MY.009	400	Do.
Strelna	WR.SN.001	400	Do.
.....do	WR.SN.002	1,452	Do.
.....do	WR.SN.004	424	Do.
Wrangell Glaciers	WR.WG.001	20	Do.
.....do	WR.WG.002	136	Do.
.....do	WR.WG.003	103	Do.
.....do	WR.WG.004	82	Do.
Wrangell St. Elias	Orange Hill	1,600	Do.
Denali	Stampede Mine	71	Denali National Park & Preserve.
Total		11,990	

SUMMARY

Federal Conservation System Unit	Acres
AK Peninsula & Maritime National Wildlife Refuge	1,054
Kenai Fjords National Park	47
Wrangell St. Elias National Park & Preserve	10,818
Denail National Park & Preserve	71
Total acres	11,990

Ranked by the amount of federal land given to Higher Education

1. New Mexico	1,346,546
2. Oklahoma	1,050,000
3. New York	990,000
4. Arizona	849,197
5. Pennsylvania	780,000
6. Ohio	699,120
7. Utah	556,141
8. Illinois	526,080
9. Indiana	436,080

Ranked by the amount of federal land given to Higher Education—Continued

10. Montana	388,721
11. Idaho	386,686
12. Alabama	383,785
13. Missouri	376,080
14. South Dakota	366,080
15. Massachusetts	360,000
16. Mississippi	348,240
17. Washington	336,080
18. North Dakota	336,080

Ranked by the amount of federal land given to Higher Education—Continued

19. Wisconsin	332,160
20. Kentucky	330,000
21. Tennessee	300,000
22. Virginia	300,000
23. Iowa	286,080
24. Michigan	286,080
25. Georgia	270,000
26. North Carolina	270,000
27. Louisiana	256,292
28. Minnesota	212,160
29. Maine	210,000
30. Maryland	210,000
31. New Jersey	210,000
32. California	196,080
33. Arkansas	196,080
34. Florida	182,160
35. Connecticut	180,000
36. South Carolina	180,000
37. Texas	180,000
38. Kansas	151,270
39. New Hampshire	150,000
40. Vermont	150,000
41. West Virginia	150,000
42. Colorado	138,040
43. Oregon	136,165
44. Nevada	136,080
45. Nebraska	136,080
46. Wyoming	136,080
47. Rhode Island	120,000
48. Alaska	112,064
49. Delaware	90,000
50. Hawaii	0
Total	16,707,787
Average	334,156

Ranked by the percentage of the State grant given to Higher Education

	Percent
1. New York	100.00
2. Pennsylvania	100.00
3. Massachusetts	100.00
4. Tennessee	100.00
5. Virginia	100.00
6. Georgia	100.00
7. North Carolina	100.00
8. Maine	100.00
9. Maryland	100.00
10. New Jersey	100.00
11. Connecticut	100.00
12. South Carolina	100.00
13. Texas	100.00
14. New Hampshire	100.00
15. Vermont	100.00
16. West Virginia	100.00
17. Rhode Island	100.00
18. Delaware	100.00
19. Kentucky	93.06
20. Oklahoma	33.92
21. Ohio	25.34
22. Washington	11.04
23. Indiana	10.79
24. South Dakota	10.66
25. North Dakota	10.62
26. New Mexico	10.52
27. Idaho	9.09
28. Illinois	8.44
29. Arizona	8.05
30. Alabama	7.67
31. Utah	7.41
32. Montana	6.52
33. Mississippi	5.71
34. Missouri	5.07
35. Nevada	4.99
36. Nebraska	3.93
37. Iowa	3.55
38. Wisconsin	3.26
39. Wyoming	3.13
40. Colorado	3.09
41. Michigan	2.36
42. Louisiana	2.24
43. California	2.22
44. Kansas	1.94
45. Oregon	1.94
46. Arkansas	1.64
47. Minnesota	1.29

Ranked by the percentage of the State grant given to Higher Education—Continued

	Percent
48. Florida	0.75
49. Alaska	0.11
50. Hawaii	0.00
Total	5.09
Average	42.01

Ranked by the amount of federal land given to the State

1. Alaska	104,569,251
2. Florida	24,214,366
3. Minnesota	16,422,051
4. New Mexico	12,794,718
5. Michigan	12,142,846
6. Arkansas	11,936,834
7. Louisiana	11,441,343
8. Arizona	10,543,753
9. Wisconsin	10,179,804
10. California	8,825,508
11. Iowa	8,061,262
12. Kansas	7,794,669
13. Utah	7,501,737
14. Missouri	7,417,022
15. Oregon	7,032,847
16. Illinois	6,234,655
17. Mississippi	6,097,997
18. Montana	5,963,338
19. Alabama	5,006,883
20. Colorado	4,471,604
21. Wyoming	4,342,520
22. Idaho	4,254,448
23. Indiana	4,040,518
24. Nebraska	3,458,711
25. South Dakota	3,435,373
26. North Dakota	3,163,552
27. Oklahoma	3,095,760
28. Washington	3,044,471
29. Ohio	2,758,862
30. Nevada	2,725,226
31. New York	990,000
32. Pennsylvania	780,000
33. Massachusetts	360,000
34. Kentucky	354,607
35. Tennessee	300,000
36. Virginia	300,000
37. Georgia	270,000
38. North Carolina	270,000
39. Maine	210,000
40. Maryland	210,000
41. New Jersey	210,000
42. Connecticut	180,000
43. South Carolina	180,000
44. Texas	180,000
45. New Hampshire	150,000
46. Vermont	150,000
47. West Virginia	150,000
48. Rhode Island	120,000
49. Delaware	90,000
50. Hawaii	0
Total	328,426,536
Average	6,568,531

By Mr. McCAIN:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

COASTWISE TRADE VESSEL WAIVERS LEGISLATION

• Mr. McCAIN. Mr. President, I introduce legislation that would provide an administrative process for obtaining a waiver of the coastwise trade laws to allow certain vessels to commercially operate in the coastwise trade. This legislation will improve the responsiveness of the Federal Government in meeting the needs of many vessel-operating small businesses.

The coastwise trade laws require that vessels operating between U.S. ports be built and documented in the United States and owned and operated by U.S. citizens. Today, if a U.S. citizen owner of a foreign-built vessel wants to carry passengers for hire on that vessel in the coastwise trade of the United States, that person must obtain a legislative waiver of the coastwise laws.

Many of my colleagues are familiar with these private relief bills. The legislative process for consolidating these numerous House and Senate bills usually involves including them in the Coast Guard authorization bill for final passage.

While some Members may value the current process as a useful constituent service, it often delays resolution of a constituent's request by a year or more, causing financial hardship for the constituent's business. The potential influence of campaign contributions on such private relief bills is also a concern. The legislative process is slow, inefficient, and potentially unfair. Our constituents would be better served by delegating this waiver authority for noncontroversial requests to an appropriate administrative agency.

My bill would authorize the Secretary of Transportation to administratively waive certain coastwise trade restrictions for vessels that meet the following criteria, which the Commerce Committee currently uses to determine if a waiver is warranted:

First, this waiver authority would apply to foreign-built vessels of at least 3 years of age, and U.S.-built vessels that were rebuilt in foreign countries at least 3 years prior to the effective date of the waiver. The vast majority of the waiver requests considered by the Commerce, Science, and Transportation Committee in the past 3 years were for vessels of at least this age that had originally been used for recreational or other noncoastwise purposes.

Second, this bill would limit the coastwise trade use of vessels obtaining such privileges through this process to service carrying a maximum of 12 passengers for hire. Again, the vast majority of waiver requests considered by the Commerce Committee specified this type of intended use.

Finally, the Secretary would be required to make a determination that the use of the applicant's vessel in the coastwise trade would not adversely affect U.S.-vessel builders or the coastwise trade business of any person who employs U.S.-built vessels in the same trade. An exemption granted under this authority could be revoked if the vessel use substantially changes so as to cause such problems.

Mr. President, during the 104th Congress, 73 of the 119 bills considered by the Commerce Committee were requests for waiver of the coastwise trade laws for special vessels. If my bill is enacted, only a few waiver requests falling outside the above criteria would need to be considered by the Commerce Committee each year, allowing the

Committee to focus its attention on more weighty matters.

This bill would not authorize exemption from existing U.S. citizen ownership and crewing requirements. Also, this bill would not apply to vessels used for any purpose other than the carriage of a maximum of 12 passengers for hire. My approach to these waivers is supported by the Passenger Vessel Association, National Association of Charterboat Operators, the Offshore Marine Services Association, the Committee for Private Offshore Rescue and Towing, and the Shipbuilders Council of America.

Mr. President, I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PASSENGER VESSEL ASSOCIATION,
Arlington, VA, March 10, 1997.

Mr. JIM SARTUCCI,
Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. SARTUCCI, in response to your earlier communication regarding Chairman McCain's interest in developing a new process for evaluating proposed waivers from the U.S.-build requirement of the Jones Act or the Passenger Service Act, the Passenger Vessel Association will not object to a proposal which:

Clearly states the vessels in question are limited to those certified to carry 12 or fewer passengers; shifts the burden of proving ''no competitive impact'' to the waiver applicant; provides that the Maritime Administration (MARAD) shall review the waiver if the vessel for which it was granted is relocated and, if MARAD determines that the vessel in its new location poses a competitive disadvantage to an existing operator, shall revoke the waiver; requires the Maritime Administration to devise a means of widely informing the passenger vessel industry about waiver requests that is separate from a simple Federal Register notice; includes a statement to the effect that the change does not reflect the committee's view on the overall integrity of the Jones Act or the Passenger Service Act.

Thank you for the opportunity to evaluate and comment on this proposed change to the law. If you have any questions, please do not hesitate to let me know.

Sincerely,

JOHN R. GROUNDWATER,
Executive Director.

NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS,
Washington, DC, February 20, 1997.

Chairman JOHN MCCAIN,
Senate Commerce, Science, and Transportation Committee, Washington, DC.

DEAR CHAIRMAN MCCAIN: I am writing you in support of the proposed legislative language for documentation of small passenger vessels on behalf of the National Association of Charterboat Operators (NACO), a 4,100 member association representing owners the charter industry. NACO appreciates the opportunity to comment on the proposed legislation.

NACO applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that very significantly depending on the size and the nature of business of the vessel. NACO is hopeful that this is the first step by the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small passenger vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to ease these burdens, saving each company time and money.

By creating specific qualifications for documentation, the Committee creates standards for documentation for small passenger vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

Although NACO is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. NACO is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

Again, NACO is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

Thank you for you time and your attention to the need to ease unfair burdens placed on small business. If you need additional comments or information please contact me at (202) 546–6993.

Sincerely,

AMY J. TAYLOR,
Director of Congressional Affairs.

OFFSHORE MARINE SERVICE ASSOCIATION,
Harahan, LA, February 20, 1997.

Mr. JAMES SARTUCCI,
Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR MR. SARTUCCI: The Offshore Marine Service Association (OMSA) has reviewed the draft language contained in your fax transmission of February 10. We understand and respect Chairman McCain's administrative objective and intention with respect to this legislative initiative. Consequently, speaking strictly for our constituency, OMSA has no absolute objection to the proposal to grant restricted and conditional coastwise trading privileges to certain small foreign built vessels. In actual fact, however, our association's members are not significantly affected, at least directly, by the specific parameters included in this proposed legislation. The PVA, and perhaps others, would appear to be the parties to whom we would normally defer on the specifics of this proposition.

As discussed, our own support is contingent upon retention of the protective covenants and limitations set forth in the proposal presented to us for consideration, viz. in (b)(1), that the vessel be strictly limited to service as a small passenger vessel or an uninspected passenger vessel as those terms are defined in Section 2101 of title 46, United States Code, and in (b)(2) and (c).

Finally, for the record, we ask that you please note that OMSA does have some discomfort with the precedent that could be set by this legislation. We harbor some concern it could conceivably ''open the door'' to subsequent, additional legislation that would, relatively speaking, more seriously impact the coastwise trade protections afforded to U.S. flag vessels under the Jones Act and the Passenger Vessel Services Act. However, we accept, in good faith, the Chairman's stated objectives and the collateral safeguards that are promised.

OMSA would agree that the U.S. Maritime Administration (MARAD) could be the appropriate government agency within the Department of Transportation to consider and approve applications for the purposes of the proposal.

We thank you for keeping us advised of such proposals and for inviting our views. Please do not hesitate to contact the undersigned, at (504) 734–7622, if you have any questions or wish to discuss this matter in further detail.

Very truly yours,

ROBERT J. ALARIO,
President.

[From the C-Port News, Mar. 1997]

SENATE COMMITTEE PROPOSES CHANGE TO JONES ACT

Congress will soon be proposing a major change to the Jones Act that will allow marine assistance operators to use foreign built vessels and vessels rebuilt outside the United States in their businesses.

The bill, introduced by Senator John McCain (R–AZ), Chairman of the Senate Commerce, Science, and Transportation Committee, allows for the use of a foreign built or rebuilt vessel in commercial coastwise trade when the vessel is over 3 years old and is used as a small or uninspected passenger vessel. Marine assistance towing vessels are classified by the Coast Guard as uninspected passenger vessels, not uninspected towing vessels.

Although the bill will help the marine assistance industry, it also contains two stipulations about which C–PORT is concerned. The bill allows the Secretary of Transportation to revoke the new documentation policy for foreign vessels if it is found to adversely affect U.S. vessel builders or other similar businesses using U.S. built vessels. According to the bill, ''the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel if the Secretary determines that the employment of the vessel . . . will not adversely affect (1) United States vessel builders; or (2) the coastwise trade business of any person who employs vessels built in the United States in the business.''

C–PORT sent the following letter to Chairman McCain to express support for the bill, but also to voice concern over these two stipulations:

''DEAR CHAIRMAN MCCAIN: C–PORT applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that vary significantly depending on the size and the nature of business of the vessel. C–PORT is hopeful that this is the first step by the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

''This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to

ease these burdens, saving each company time and money.

''By creating specific qualifications for documentation, the Committee creates standards for documentation for small vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

''Although C–PORT is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. C–PORT is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

''Again, C–PORT is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

''Thank you for your time and your attention to the need to ease unfair burdens placed on small business.''

C–PORT expects this legislation to easily pass the Senate and the House. We will keep you informed as this measure moves through Congress. If you have any questions contact Amy Taylor (800) 745–6094.

SHIPBUILDERS COUNCIL OF AMERICA,
Alexandria, VA, February 27, 1997.

Mr. JAMES SARTUCCI,
Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR JIM: Thank you for sending the most recent draft of Senator McCain's Jones Act waiver bill. SCA shares your basic objective of reducing the paperwork burden on Committee members and staff while in no way eroding or changing the U.S.-build requirement or any other provisions of the Jones Act.

SCA supports all of the suggested additions to Senator McCain's bill included in a letter of February 25 sent to you and Carl Bentzel by Rolf Marshall of the Maritime Cabotage Task Force (MCTF). Most importantly, these recommended changes will make it undeniably clear that by enacting this bill Congress in no way lessens or modifies the protections granted by cabotage statutes.

Therefore, SCA supports the February 19 draft of the Jones Act waiver bill along with the recommended changes described in the February 25 letter from the MCTF.

On behalf of the members of SCA I want to commend you for your diligence in crafting a new Jones Act waiver process that makes sense administratively while safeguarding the Jones Act.

Cordially,

PENNY L. EASTMAN,
President.●

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Montana [Mr. BURNS] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 281

At the request of Mr. STEVENS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 281, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 314

At the request of Mr. THOMAS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 388

At the request of Mr. LUGAR, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 388, a bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps.

S. 493

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 518

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 518, a bill to control crime by requiring mandatory victim restitution.

S. 525

At the request of Mr. HATCH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 543

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 544

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 544, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 552

At the request of Mr. GREGG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 552, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace of liberty around the world.

SENATE RESOLUTION 79—TO COMMEMORATE THE 1997 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 117 peace officers lost their lives in the performance of their duty in 1996, and a total of 13,692 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1997, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1997, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. KEMPTHORNE. Mr. President, I rise today to submit a Senate resolution designating May 15, 1997, as National Peace Officers Memorial Day.

This is the fourth year in a row I have offered this resolution and I am proud to be joined this year by 55 of my colleagues in honoring the brave men and women who serve this country as peace officers.

NOTICE OF HEARING

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 30, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is equal opportunity in Federal construction. For further information, please call the committee, 202–224–5375.

ADDITIONAL STATEMENTS

THE 82D ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. LEVIN. Mr. President, I rise today to commemorate the 82d anniversary of the Armenian genocide. Each year we remember and honor the victims and pay respect to the survivors we are blessed to have in our midst.

Approximately 1.5 million Armenians were killed under the Turkish Ottoman Empire during a 28-year period which lasted from 1894 to 1921. April 24, 1915, serves as a marking point for the government orchestrated carnage that took place. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople, including some 600 Armenian political and intellectual leaders.

History records that the world stood by, although it knew. Our Ambassador to the Ottoman Empire, Henry Morgenthau, telegraphed the following message to the American Secretary of State on June 16, 1915: "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion."

Not only did the world stand by while atrocities took place, but it also refused to learn the awful lessons that were taught during this period. One leader who did acknowledge the Armenian genocide was Winston Churchill, who wrote the following in 1929:

> In 1915, the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor . . . the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.

But, for the most part, nations did not learn from history. The world looked away and genocidal horrors revisited the planet.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian genocide.•

TRIBUTE TO THE GORHAM HIGH SCHOOL STUDENTS FOR THEIR PARTICIPATION IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 21 students from Gorham High School in Gorham, NH, who were recently selected to compete in the national finals of the "We the People . . . the Citizen and the Constitution" program to be held April 26–28 in Washington, DC. These high school students competed on the State level on February 10 for the opportunity to represent New Hampshire at the national competition, and will be among more than 1,200 students from 49 States and the District of Columbia to participate.

The distinguished members of the team representing New Hampshire are: David Arsenault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mire Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cindy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf.

All 21 New Hampshire students will be tested on the Constitution and Bill of Rights before simulated congressional committees to demonstrate their knowledge of constitutional principles and their relevance to contemporary issues. The competition in Washington will consist of 2 days of hearings; and the 10 finalists, with the highest scores, will compete for the title of national winner on Capitol Hill in a congressional hearing room.

Michael Brosnan, a teacher at Gorham High School, also deserves special recognition for helping these students prepare for the intense constitutional testing. Raymond Kneeland the district coordinator of the "We the People . . . the Citizen and the Constitution" program, Holly Belson, the State coordinator, and Howard Zibel, of the New Hampshire Bar Association, all contributed a significant amount of time and effort to help the students reach the national finals. As a former teacher myself, I applaud all of them on their

commitment to enriching the lives of these students.

The ''We the People . . . The Citizen and the Constitution'' program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts from Gorham High School and their teacher, Michael Brosnan, the best of luck in preparing for the April national finals. We are proud to have them representing New Hampshire, and wish them luck as they prepare to be America's leader in the 21st century.●

[At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.]

TESTIMONY OF MAJ. MICHAEL DONNELLY

● Mr. DODD. Mr. President, Maj. Michael Donnelly of Connecticut flew 44 missions for the Air Force during the Persian Gulf war. He is now afflicted with a neuro-muscular disorder he suspects was caused by chemical exposure in the war. I had the pleasure of meeting with Major Donnelly last week after he testified before the Human Resources Subcommittee of the House Committee on Government Reform and Oversight. His testimony provided a special insight into the plight of some Persian Gulf war veterans who fell ill after returning home.

Mr. President, I ask that his testimony be printed in the RECORD.

The testimony follows:

PREPARED STATEMENT OF MAJ. MICHAEL DONNELLY, U.S. AIR FORCE, RETIRED

Congressman Shays and members of this committee, I want to thank you for giving me the opportunity to testify before you today. My name is Major Michael Donnelly. I am not the enemy.

I was medically retired in October of 1996 after 15 years and 1 month of service as a fighter pilot in the Air Force. At the time Iraq invaded Kuwait, I was stationed at Hahn Air Base in Germany flying F–16s. My unit, the 10 Tactical Fighter Squadron, was attached to the 363rd Tactical Fighter Wing and deployed to Abu Dhabi in the United Arab Emirates on 1 January 1991 in support of Operation Desert Shield and then Desert Storm. My unit redeployed to Germany on the 15th of May 1991.

During the war, I flew 44 combat missions. On those missions I bombed a variety of targets, including strategic targets (airfields, production and storage facilities, missile sites, etc.), tactical targets (troops, battlefield equipment, pontoon bridges, etc.). I also flew Close Air Support, and Combat Air Patrol missions. Never during any of these missions was I warned of the threat of exposure to any chemical or biological weapons. Although we expected and trained for that eventuality, we never employed any of the procedures because we were never told that there was any threat of exposure. Had we been warned, there were steps we could have and would have taken to protect ourselves.

Unlike other veterans who have testified before you, I don't have a specific incident that I can remember during the war that might have caused my illness. However, I can tell you that I flew throughout the entire region of Iraq, Kuwait and much of Saudi Arabia, to include in and around the oil smoke. Evidence now shows that chemical munitions storage areas and production facilities that were bombed by us released clouds of fallout that drifted over our troops through the air, and that's where I was. I know also of other pilots who do remember a specific incident that caused them to later become ill.

So while I cannot point to one event to explain my illness, I come before you today to tell you that I am yet another veteran from the Gulf War with a chronic illness. Upon return from the Gulf, I was reassigned to McDill Air Force Base in Tampa, Florida. It was here that I first started to experience strange health problems. It was nothing you could really pinpoint except to say that I didn't feel as strong as I once had or as coordinated. I felt like I was always fighting a cold or the flu.

By the summer of 1995, I was stationed at Shepperd Air Force Base in Texas. It was here that I believe my illness started and that I began to suspect that it was related to service in the Gulf. During the summer, I was exposed several times to malathion, which is a fairly dilute organophosphate-based pesticide used for mosquito control. The base's policy was to spray with a fogging truck throughout base housing where I lived with my family. I was exposed to the malathion fogging while I was running in the evenings. I would like to point out something I learned later: that organophosphate poison is the chemical basis for all nerve agents—it is a poison that kills just like a pesticide does.

It was immediately after my exposure to malathion that I started to have serious health problems. After this time, every time I ran I would get a schetoma—or blind spot—in front of my eyes and my heart would beat erratically. I started to have heart palpitations, night sweats, sleeplessness, trouble concentrating, trouble remembering, trouble taking a deep breath and frequent urination. I noticed that one cup of coffee would make me extremely jittery. I noticed that one beer would have an unusual intense effect on me. I was extremely tired much of the time. I had to put my head down on my desk to rest while I was working and I had to lie down at home before dinner after work.

It wasn't until December 1995 that I started to have trouble walking and experienced weakness in my right leg. It was then that I decided, right after the holiday season, I would go see the doctor. On the second of January 1996, I went to the flight surgeon at Sheppard Air Force Base. When I finished explaining my symptoms to him and mentioned that I had been in the Gulf War, he immediately started to tell me about the effects of stress. He told me that the other problems—heart palpitations, breathing difficulties, sleeplessness—were probably stress related, but that we needed to look into the weakness in the leg more, and I was referred to a neurologist.

During this first visit with the neurologist was when I first heard the line that I would hear throughout the whole Air Force medical system and that was: ''There's no conclusive evidence that there's any link between service in the Gulf and any illness.'' Each time I heard this line, it was almost as if each person was reading from a script.

If an active duty field grade officer walks into a hospital and says he's sick and that he was in the Gulf War, why does the military not seize this opportunity to investigate whether there is any connection between service in the Gulf and this illness? How can they say they're looking for an answer when they deny it's even possible? How can they say there's no connection when they don't study the individuals who present symptoms that might prove that connection? Instead, he gets ''the line,'' which proves that no one is looking to see whether there is a problem. Only to deny that one exists. Why should I have to call and register for the Gulf War Registry when I'm active duty? I should automatically be put on the list as another person with a chronic illness who served in the Gulf. Again, if they were really looking for a problem, all they have to do is look.

My treatment included several trips to Wilford Hall Medical Center in San Antonio for MRIs, CT scans, muscle tests and multiple blood tests. Each time I mentioned I was a Gulf War veteran, I got ''the line.'' At one point, a doctor in Wilford Hall gave me a three minute dissertation on how my illness absolutely could not be related to my service in the Gulf. One thing I noticed during my four or five visits to Wilford Hall was a room on the neurology ward labeled ''Gulf War Syndrome Room.'' In none of my four or five visits was the door to this room ever open or the light on. I started to realize that because the military medical system would not acknowledge my illness could be related to the Gulf War, I would not get help.

Once I realized that, I began to seek help from civilian doctors, many of whom had already made the connection between service in the Gulf and the high incidents of unusual illnesses among the war's veterans. They had all the proof they needed: the thousands of veterans coming to them desperate for medical treatment. Because the military has not acknowledged this connection, my family and I have been forced to spend over $40,000 of our own money in these efforts. Our search led us to people around the country with the same illnesses who were also Gulf War veterans. In the last twelve months, I have traveled all over this country and even to Germany looking for help.

Incredible as it may seem, the Air Force medical system initially wanted to retire me with 50 percent disability and temporary retirement with a diagnosis of ALS. Only after we hired a lawyer, at our own expense, and went before the medical board, were we able to change that determination to 100 percent and permanent retirement. All the while, I was contending with my declining health and the trauma to my family. I chose to not to fight over whether my illness was combat related, because I'd already seen the stonewalling that was going on and because I wanted to move my family back home. That was my own personal decision, made at a time when I knew I had other and far greater personal battles yet to fight.

Upon my retirement from the Air Force, I found myself worked into the VA medical system. What alternative did I have after my 15 years of service? I guess I'm one of the lucky ones, since I was:

1. still on active duty when I got sick; and
2. given a poor prognosis, which required them to treat me and compensate me. What alternative did they have?

The VA bureaucracy is difficult and slow at best. I am suffering from a fatal illness, where every month matters. I can sit here today and tell you that despite my situation—which you would think would warrant expeditious treatment and action—I ran into a red tape and paperwork nightmare that continues to consume my life today. However, once I finally got to see them, the medical personnel who have treated me have been very kind and understanding, despite the fact that there isn't much they can do. Maybe if we hadn't had six years of cover-up, there would be something they could do.

To this day, no one from the DOD or VA has contacted me personally to involve me in any tests or studies. I myself have found more than nine other Gulf War veterans, some who have already come before you, who

are also suffering from ALS, an unusual disease that rarely strikes individuals under the age of 50. In fact, with the ten of us who have ALS—and we are certain there are more out there whom we just haven't found—the incidence of ALS already far exceeds the normal incidence given the number of soldiers who served in the Gulf. Why is there no special emergency study of this outbreak? Why is no one worried about what is obviously a frightening incidence of a terrible neurological illness among such a young and healthy population? One thing I can tell you: this is not stress.

With every other Gulf War veteran we have found who has ALS, the common thread has been subsequent exposure to some kind of strong chemical or pesticide, such as malathion, diazinon, and lindane—which is used to treat head lice in children.

Why aren't the DOD and the VA warning everyone else who served in the Gulf War that they may get sick in the future, just as I got sick four years after I returned to the US. How many other people are out there waiting for that one exposure that will put them over the top? Why is no one putting the word out. A warning could save the lives and health of many individuals, could save them from going through what I am now going through. I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

I wonder how many flight mishaps or accidents that have happened since the war have involved Gulf War veterans. Those numbers shouldn't be hard to find: the military keeps records on all of that. In fact, I wager that someone out there already knows the answer to that question and hasn't shared it either because of a direct order not to or because the right person has yet to ask.

How many other pilots are still out there—flying—who are not quite feeling right? Just as I flew for four years after I returned from the Gulf, how many other pilots fear for their livelihood and the repercussions they know they would encounter were they to speak up because they know ''There's no conclusive evidence that there's any link between service in the Gulf and any illness.''

Imagine my dismay when the DOD announces $12 million (a drop in the bucket) to study the Gulf War illnesses and four of those studies are centered around the effects of stress or post-traumatic stress disorder. You would think that the DOD and the VA would have an in-depth knowledge of the effects of stress after all the wars this country has fought. Most of them a lot more ''stressful'' than the Gulf War. Why aren't they taking our illnesses seriously? I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

Part of the ongoing cover up has been to trivialize the illnesses that Gulf War veterans are suffering from. In the press and from the VA, you hear about skin rashes and joint aches, about insomnia and fatigue. There is no doubt that these are real symptoms and are debilitating in and of themselves. But what you don't hear about is the high incidence of rare cancers, neurological illnesses such as ALS, and immune-system disorders that are totally debilitating. This is not stress. This is life and death.

Why is it impossible to get the right numbers from the DOD and the VA about how many veterans are sick or have sought treatment? Why is it more important to protect certain high-placed government officials than to care for veterans who are sick? When it comes time to fund the military, budget concerns are usually set aside in the interest of defense and the public good. Well, the national defense issue now is that it's public knowledge that the DOD mistreats people who serve. America will have no one to fight its wars.

The primary goal at this point is not to find out whose fault all of this is. Someday, someone will need to investigate what happened and why. The people responsible for this tragedy should be found out and punished.

The top priority now for all of us is to help veterans and their families get their health and their lives back. Or at least that should be the goal. That should be your goal. All I want is what I brought to the Air Force: my health.

I'm not interested in hearing how surprised General Powell and General Schwartzkopf are about how we were all exposed to chemical weapons, or that the CIA really did know Hussein had these weapons, or that the CIA alerted the DOD to this fact. It's obvious now that there's been a cover up going on all this time as more and more information gets released or discovered. It's time for those people who know something—and they do exist—to come forward. And maybe we can save some lives.

During and after the war, we proclaimed to ourselves and to the world how we learned the lessons of Vietnam and fixed the military. We learned the lessons of Vietnam and we did it right this time. Last week, General Powell stated that we suffered only 149 casualties in the Gulf War. Well, I am here to tell you that the casualty count is still rising. Just like in Vietnam with Agent Orange, it appears that we didn't learn all the lessons. We still mistreat veterans. This country has again turned its back on the people who fight its wars, the individuals to whom it owes the most.

I want to thank you for what you are doing for the veterans who went to war for this country. Many of whom were squeezed out of the military right after the war and now find themselves out on the street, fighting the very institution they fought for. In the military, we have a tradition called the salute and it's used to show admiration and respect for an individual who has earned it. I salute you for what you are doing here. You go a long way in restoring this soldiers waning faith in a country that could so willingly desert it's own.

Remember: I am not the enemy.●

ORDERS FOR TUESDAY, APRIL 29, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Tuesday, April 29. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act, and I further ask unanimous consent that the time from 9:30 to 12:30 be equally divided between Senator COVERDELL and/or his designee, and the ranking member and/or his or her designee.

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

Mr. COVERDELL. Mr. President, I now ask unanimous consent that on Tuesday, the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 2:15 on Tuesday on the motion to proceed to S. 543. If cloture is invoked tomorrow, there will be an additional hour of debate to be followed by a vote on the motion to proceed. Senators can therefore expect additional votes during Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, April 29, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1997:

FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL J. ARMSTRONG, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE RICHARD THOMAS MOORE, RESIGNED.

FOREIGN SERVICE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE ANTHONY CECIL EDEN QUAITON.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 618 AND 628:

To be commander

THOMAS P. YAVORSKI, 0000

To be lieutenant commander

ROBERT J. BARTON, III, 0000

IN THE NAVY

THE FOLLOWING-NAMED SUPPLY CORPS OFFICERS FOR REGULAR APPOINTMENT IN THE LINE TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(A):

To be lieutenant commander

CRAIG L. HERRICK, 0000

To be lieutenant

JORGE A. MCCURLEY, 0000
WILLIAM S. SEWELL, JR., 0000

To be lieutenant (junior grade)

JOHNNY E. BOWEN, 0000
JOSEPH M. BYRD, 0000
CHRISTOPHER R. COURTRIGHT, 0000
STORMI J. LOONEY, 0000
STEVEN R. SORCE, 0000
WILLIAM J. STEGNER, 0000
HAYDN A. THOMAS, 0000

To be ensign

BENJAMIN A. SNELL, 0000

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAVID J. DAVIS, 0000
CRAIG M. MARCELLO, 0000
RADFORD D. TANKSLEY, 0000

To be commander

BRUCE R. BOYNTON, 0000
JAMES H. GHERARDINI, JR., 0000
JOHN R. HAGUE, 0000

To be lieutenant commander

TIMOTHY G. BATTRELL, 0000

AGNES D. BRADLEYWRIGHT, 0000
JAMES L. CARUSO, 0000
PAUL J. DEMARCO, 0000
ELISE T. GORDON, 0000
EDWARD W. HESSEL, 0000
TIMOTHY R. KENNEDY, 0000
FINSTER L. PAUL, 0000
BRUCE A. STINNETT, 0000
GAIL M. WILKINS, 0000

To be lieutenant

JOY D. ADAMS, 0000
JULIE S. AKIYAMA, 0000
JEFFREY G. ALBANUS, 0000
RACHEL H. ALLEN, 0000
MARK S. ANDERSON, 0000
ELLEN A. ARGO, 0000
WILLIAM A. BALDING, 0000
LEAF A. BALLAST, 0000
LAURA A. BARTON, 0000
BRIAN R. BEHLKE, 0000
KEITH R. BELAU, 0000
JASON P. BERG, 0000
DAVID A. BERGER, 0000
DERRICK M. BILLINGS, 0000
ROGER B. BLAIR, 0000
MARK C. BRUINGTON, 0000
MARY M. BUCHER, 0000
WILLIAM A. BUCKNER, 0000
DELL D. BULL, 0000
TRACY L. BUTTERFIELD, 0000
LLOYD V. CAFRAN, 0000
JOHN D. CASSANI, 0000
JOE R. CHARLTON, 0000
JAMES G. CHRISTENSON, 0000
GEOFFREY M. COAN, 0000
CANDACE L. COLSTON, 0000
ROBERT D. COPENHAVER, 0000
ANDREW P. COVERT, 0000
GERARDO CRUZ, 0000
DAVID A. CULLER, JR., 0000
JENNIFER A. DANIELS, 0000
CASEY W. DANKERS, 0000
WILLIAM A. DAROSA, 0000
TONY F. DEALICANTE, 0000
DAVID P. DELEO, 0000
DAMIAN P. DERIENZO, 0000
MISHELLE M. DETERMAN, 0000
THOMAS C. DISY, 0000
BRETT A. DIXON, 0000
JOHN A. DUVENEZ, 0000
DEMETRI ECONOMOS, 0000
KARL P. EIMERS, 0000
MICHAEL W. ENGEN, 0000
SHARON L. FARLEY, 0000
JOSE J. FERNANDEZ, JR., 0000
MICHAEL S. FERRELL, 0000
MARK G. FICKEL, 0000
WILLIAM S. FINLAYSON, 0000
ROSS A. FONTANA, 0000
KEVIN D. FOSTER, 0000
KEVIN W. GAINEY, 0000
JEANNETTE I. GARCIA, 0000
MICHAEL J. GARDELLA, 0000
STEPHEN G. GARNER, 0000
DENNIS E. GLOVER, 0000
RICARDO A. GONZALEZ, 0000
DOUGLAS J. GOODART, 0000
DEBORA D. GOODMAN, 0000
JEFFREY D. GORDAN, 0000
ROBERT A. GRAMZINSKI, 0000
HERMAN R. GREEN, 0000
PAUL F. GRONEMEYER, 0000
ULFUR T. GUDJONSSON, 0000
FERDINAND G. HAFNER, 0000
CHRISTOPHER S. HAHN, 0000
ALAN F. HAMAMURA, 0000
CYNTHIA E. HANSEN, 0000
GENE A. HAWKS, 0000
ANITA M. HENRY, 0000
THOMAS C. HEROLD, 0000
TIMOTHY E. HIBBETTS, 0000
JAMES M. HILL, 0000
NINA M. HILL, 0000
RONALD L. HILL, 0000
JOHN P. HOWARD, 0000
SCOTT D. ISAACSON, 0000
PETER M. JOHNSON, 0000
KENN K. KANESHIRO, 0000
DAVID M. KENEE, 0000
THOMAS L. KENNEDY, 0000
PAUL C. KIAMOS, 0000
JEAN M. KILKER, 0000
MATTHEW W. KILLMEYER, 0000
CYNTHIA A. KUEHNER, 0000
ELIZABETH D. LASSEK, 0000
ALVA V. LAWRENCE, 0000
JONNA L. LEADFORD, 0000
CARLOS I. LEBRON, 0000
MICHAEL S. LELAND, 0000
DAN C. LEWIS, 0000
DANIEL K. LEWIS, JR., 0000
LOREN P. LOCKE, 0000
PATRICK W. LUEB, 0000
BRENDA K. MALONE, 0000
DONALD C. MANNING, 0000
MICHELLE MARCEAU, 0000
PETER A. MARKS, 0000
DANIEL P. MARTIN, 0000
DON A. MARTIN, 0000
WILLIAM J. MASLANKA, III, 0000
WILLIAM B. MATTIMORE, I., 0000
MARY A. MCGARET, 0000
MATTHEW K. MCGEE, 0000
EDWARD S. MCGINLEY, 0000
MEGGAN C. MCGRAW, 0000
MARK W. MCMANUS, 0000
JAMES E. MEEKINS, 0000
GORDON E. MODARAI, 0000
MARSHALL R. MONTEVILLE, 0000
LEO J. MURPHY, 0000
MANUEL A. MURPHY, 0000
JODIE M. MUSTIN, 0000
CHRISTIAN A. NELSON, 0000
DAN A. NIGHTINGALE, 0000
DIANNE M. OKONSKY, 0000
CARLOS M. ORTIZ, 0000
MICHAEL J. OSBORN, 0000
ALBERT W. PARULIS, JR., 0000
NANCY J. PATRICK, 0000
KELLY S. PAUL, 0000
DONALD D. PEALER, 0000
LUIS M. PEREZ, 0000
WILLIAM L. PETERSON, 0000
NELIDA L. POLIKS, 0000
STEPHEN M. POLITO, 0000
LINDIE S. POLLOCK, 0000
JAMES M. PRESTON, III, 0000
KEVIN T. PRINCE, 0000
BARBARA L. RAGAN, 0000
SCOTT A. RAISON, 0000
LUIS R. RAMIREZ, 0000
JAMES B. RANDALL, 0000
ALLISON F. REYES, 0000
MELISSA A. ROBERTS, 0000
STEPHEN J. ROCHNA, 0000
PAUL R. RUSSO, 0000
BARRY A. RUTBERG, 0000
BRETT G. SAMUEL, 0000
DAVID M. SANDSON, 0000
RUTH M. SANTANA, 0000
MARY D. SCHETZSLE, 0000
CLIFFORD D. SCHMIDT, 0000
EDWARD C. SCHRANK, 0000
KENNETH A. SCHROETER, 0000
MATTHEW T. SECREST, 0000
DOUGLAS D. SENNELLO, 0000
CYNTHIA B. SHAWL, 0000
GREGORY M. SHEAHAN, 0000
PAIGE A. SHERMAN, 0000
LINDA M. SHINN, 0000
DAVID J. SILKEY, 0000
SIMON Y. D. SMITH, 0000
JOHN D. SPENCER, 0000
JONATHAN M. STAHL, 0000
MARK B. STEPHENS, 0000
JOEL D. STEWART, 0000
GEORGE A. STOEBER, 0000
WENDY L. STOUDER, 0000
JACK W. STRICKLAND, 0000
RODEN T. SUMMERS, 0000
MARICRES M. TALLEY, 0000
ELIZABETH M. TANNER, 0000
DENISE H. THOMPSON, 0000
GEORGE A. THOMPSON, II, 0000
TERESIA J. THOMPSON, 0000
JANET E. THORLEY, 0000
SCOTT D. TINGLE, 0000
BRIAN P. TRAVERS, 0000
PATRICK S. TRUITT, 0000
LAWRENCE L. TURNER, 0000
ERIC R. VETTER, 0000
ROLLAND P. WATERS, 0000
RICKY J. WATSON, 0000
TERRY D. WEBB, 0000
JOHN T. WILLIAMS III, 0000
KEITH A. WILLIAMS, 0000

To be lieutenant (junior grade)

NEAL D. AGAMAITE, 0000
HEATHER W. AGUSTINES, 0000
MICHAEL J. ALLANSON, 0000
KEITH A. APPLEGATE, 0000
CYNTHIA T. ASHLEY, 0000
JEFFREY A. BAYLESS, 0000
SCOTT A. BELL, 0000
WILLIAM J. BILLINGS, 0000
GREGOR S. BO, 0000
JEFFREY R. BORNEMANN, 0000
KEVIN M. BRAND, 0000
STEVE K. BRUNO, 0000
WILLIAM J. CADE, 0000
DANIEL G. CASE, 0000
EUGENE S. CASH, 0000
KENNETH E. CHRISTOPHER, 0000
JOHN M. CLEARY, 0000
PAUL M. CORNETT, 0000
DANIEL J. CUELLAR, 0000
DANIEL D. DAVIDSON, 0000
MICHELLE DAVIS, 0000
JUSTIN D. DEBORD, 0000
PATRICK M. DENIS, 0000
PAULA D. DUNN, 0000
JONATHAN S. EDWARDS, 0000
MICHAEL L. FABBRICANTE, 0000
DAVID L. FELTON, 0000
ROBERT D. FETHERSTON, 0000
CHRISTOPHER P. FEUQUAY, 0000
TIMOTHY FLEMING, 0000
TIMOTHY N. FOSTER, 0000
JAMES D. FOUNTAIN, 0000
WILLIAM T. FRANKLIN, 0000
KYLE P. FREEMAN, 0000
CHRISTOPHER J. GALLAGHER, 0000
ALIX P. GARDNER, 0000
DENISE M. GECHAS, 0000
DAVID A. GIVEY, 0000
JAMES R. GLENN, 0000
KAREN M. GRIFFITH, 0000
WILLIAM M. GRIMES, 0000
FRANCIS E. HANLEY, 0000
DEBORAH J. HARDESTY, 0000
ROBERT J. HAWKINS, 0000
GREGORY T. HAYNES, 0000
SKILLMAN M.S. HEISS, 0000
CHARLES H. HENRY, 0000
JENNIFER L.A. HUCK, 0000
ROBERT N. HUNOLD, 0000
JOSEPH A. HUTCHINSON, 0000
SHERRI D. JACKSON, 0000
DAVID C. JAMES, 0000
ERIK D. JENSEN, 0000
BRENDA S. JOHNSON, 0000
JEFFREY S. JOHNSON, 0000
LISA K. KENNEMUR, 0000
GLENN A. KILLINGBECK, 0000
AKIL R. KING, III, 0000
MICHAEL E. KINGMAN, 0000
CHARLES W. KLEIN, 0000
MICHAEL S. LAMANA, 0000
MATTHEW J. LIPETSKA, 0000
ERIC H. LUBECK, 0000
LUISITO G. MALIGAT, 0000
CLARISSA L. MARTINELLI, 0000
JASON T. MATHIS, 0000
RUSSELL J. MATTSON, 0000
THOMAS P. MATULA, 0000
SHARON E. MAWBY, 0000
GARY L. MCKENNA, 0000
TIMOTHY B. MCMURRY, 0000
LEONORA A. MILAN, 0000
GEOFFREY B. MILLER, 0000
SCOTT T. MOE, 0000
MICHAEL M. MONTOYA, 0000
MONICA MURILLO, 0000
DAVID F. MURREE, 0000
CHRISTOPHER T. NELSON, 0000
LESLIE J. NETTLES, 0000
JOSEPH W. NEWSOME, 0000
KELLY S. NICHOLS, 0000
MARK A. NORRIS, 0000
KATRINA L. OBRYANT, 0000
RHONDA T. ONIANWA, 0000
ADAM D. PALMER, 0000
CHERYL T. PARHAM, 0000
ANGELA R.A. PARYS, 0000
STEPHEN R. PORK, 0000
ELENA M. PREZIOSO, 0000
THOMAS R. PRICE, 0000
CLIFFORD C. PYNE, 0000
KEVIN S. RAFFERTY, 0000
CRAIG M. REMALY, 0000
LAURANCE J. RICHARDS, 0000
MICHAEL J. ROBINSON, 0000
JERRY N. SANDERS, JR., 0000
DAVID F. SARTORI, 0000
JENNIFER SCANLON, 0000
KENDRA L. SCROGGS, 0000
MARIA V.J. SESE, 0000
TIMOTHY M. SIMCOX, 0000
CARL C. SMART, 0000
JASON S. SPILLMAN, 0000
ELIZABETH K. STEPHENS, 0000
PAMELA L. STOUT, 0000
WILLIAM A. SUGGS, III, 0000
DANIEL A. THOMPSON, 0000
JANE E. TURNER, 0000
CRISANTITO L. VALENCIA, 0000
JOSEPH S. WALKER, 0000
JUDITH M. WALKER, 0000
DELIA L. WALLACE, 0000
HERLENA O. WASHINGTON, 0000
KEITH D. WASHINGTON, 0000
MARIE M. WATKINS, 0000
SCOTT R. WHALEY, 0000
BYRON C. WIGGINS, 0000
JOSEPH M. WILKINSON, 0000
NANCY V. WILSON, 0000
ERIC W. WOLF, 0000
JASON P. WROTEN, 0000
TERRY D. YARBROUGH, 0000
GEORGES E. YOUNES, 0000

To be ensign

ROBERT E. BEBEREMEYER, 0000
KEVIN R. BIVENS, 0000
CHISTOPHER L. BLANCARD, 0000
TRACY A. BRINES, 0000
MARK S. BUDELIER, 0000
ERICK D. ECK, 0000
BRUCE E. ENLIGH, 0000
IVAN A. FINNEY, 0000
MICHAEL W. FOWLER, 0000
BRIAN G. HARRIS, 0000
STEPHEN E. JOHNSON, 0000
CHRISTOPHER K. LUEDDERS, 0000
BRIAN L. MAZE, 0000
DAVID D. NEAL, 0000
GREGORY E. POOLE, 0000
CHRISTOPHER J. RENNIE, 0000
TRAVIS B. RHOADES, 0000
JAMES E. SCOTT, 0000
RAMON I. SERRANO, 0000
JAMES R. SIMMONS, 0000
JEROD D. SWANSON, 0000
SEAN W. VALLIEU, 0000
KEVIN H. WAGNER, 0000
BENJAMIN J. WALKER, 0000
DUNCAN L. WILLIAMS, 0000
GORDON R. WILLIAMS, 0000
ROBERT L. WING, 0000
COREY D. WOFFORD, 0000
DANIEL F. YOUCH, 0000

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT IN THE SUPPLY CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

To be lieutenant

PAUL G. DAVIS III, 0000
JOHN D. SORACCO, 0000

To be lieutenant (junior grade)

J.S. GLENN, 0000
ROBERT R. WINTERS, 0000

To be ensign

STEVEN A. CASAREZ, 0000
JASON B. FITCH, 0000
LINDA M. GOODE, 0000
MICHAEL C. JOHNSON, 0000
CHRISTOPHER L. KLIPP, 0000
JOHN L. RAMIREZ, 0000

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT TO THE CIVIL ENGINEER CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

To be lieutenant

RONALD A. BARRETT, JR., 0000
DEREK P. FRASZ, 0000
MARK T. GERONIME, 0000
BRYAN J. GRAPPE, 0000
ROBERT D. JANEZIC, 0000
JASON R. KARLIN, 0000
FRANZ D. MESSNER, 0000
MICHAEL P. OESTEREICHER, 0000
LEY D.A. VANDER, 0000

To be lieutenant (junior grade)

ERNEST J. TRICHE IV, 0000
DARREN C. WU, 0000

To be ensign

TY G. CHRISTIE, 0000
RAYMOND Y. RODRIGUEZ, 0000
MICHAEL A. THORNTON, 0000

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589(A)

To be lieutenant

RONALD L. CRANFILL, 0000

To be lieutenant (junior grade)

WILLIAM F. CONROY II, 0000