tumor. Brain tumors are the second leading cause of cancer death for children and young adults up to age 34, and they are one of the fastest growing causes of cancer death in the elderly.

Furthermore, each patient is different, and potential for recovery depends on a number of factors. The type of tumor, its location, the area of the brain involved, and the forms of therapy the patient will receive all contribute to a patient's prognosis. Currently, there is no cure for most malignant brain tumors. Surgery, radiation therapy, and chemotherapy are the three most common treatments. However, because brain tumors are located at the control center for human thought, emotion, and movement, both the tumor and its treatment can have devastating effects on a person's physical and cognitive abilities.

Despite often bleak projections for recovery, however, the community of people who have been affected by this disease has refused to give up. Their courage and support for one another in the face of tragedy is truly inspirational. They are proof that the power of the human spirit can triumph over adversity in even the darkest of moments.

So, Mr. President, in this, Brain Tumor Awareness Week, I rise today to applaud the tireless commitment that brain tumor patients and their families have made to beating this disease. This is a remarkable group of people. However, they cannot take on the burden of finding a cure on their own. We in Congress need to help, and I look forward to working with my colleagues, as I have in the past, to support medical research funding. While Brain Tumor Awareness Week may only last seven days, our commitment to finding a cure must be a year-round endeavor.●

ONE HUNDRED YEARS OF BOSTON'S SUBWAY

● Mr. KERRY. Mr. President, I rise to call attention today to the centennial of the first subway in the United States. On September 1, 1897, the first ride took place from Boylston Street to Park Street in Boston, MA.

Anyone who has ever lived in Boston has experienced the excellent service that this subway system provides. Students in the higher education capital of the United States—if not of the entire world—have long utilized the subways. Just to cite several examples: the Green Line goes to Boston College, Boston University, and Northeastern University; and the Red Line has stops at or near Harvard University, the Massachusetts Institute of Technology, and Tufts University. In fact, the Red Line derives its name from the Crimson of Harvard University.

Green is not only a color of a line in the Boston subway system, but an important symbol of the benefits of public transportation—namely community revitalization, economic development, and environmental protection. This historic occasion makes this a propitious moment to take a look at how these benefits have played out over the past century.

Greater Boston faced a choice of continuing to build highway arteries through the living heart of the city or to improve mass transit systems out to what we called the ''subway suburbs.'' We in Massachusetts made the right choice by developing the new Orange Line along the Southwest corridor in the 1980's and reviving the Old Colony commuter rail line in this decade. These choices preserved communities, led to new economic growth, and minimized the environmental damage caused by automobiles stuck in rush-hour traffic.

These choices have not come, however, without incurring significant costs. For example, fares have increased from a nickel a century ago to a dime in 1919, a quarter in 1968, and a half-dollar in 1980. Today, a subway ride costs $0.85, although monthly commuters can travel more cheaply.

Looking at the cost issue in a larger sense, in 1897, the subway system cost $4.4 million. On September 25 of this year, I announced Senate committee approval of a 6-year reauthorization of mass transit programs that will bring more than $300 million in additional ISTEA transit funds to Massachusetts. I am pleased that Massachusetts received its fair share of transit spending; I look forward to working with all of my colleagues to ensure that my State and others will receive their fair shares of highway funds as well.

This is an extraordinarily exciting time for mass transit in Massachusetts. While everyone knows about the Central Artery Project that will revolutionize automobile travel in Boston, other cities in Massachusetts, like Worcester and Springfield, are rebuilding their historic train stations, creating true multimodal centers to restore available, efficient, and flexible transportation for working people. The Federal commitment to transit that was announced last month will ensure improved services are available for years to come not only for Boston, but also for cities around the Commonwealth and across our country.

Mass transit systems like Boston's are also important for enhancing the lives of individuals with disabilities. I am pleased with the recent reauthorization of an initiative of mine called Project Action, which helps disabled people gain access to public transportation by working with transit operators and the disabled community to implement the transportation provisions of the Americans with Disabilities Act. Project Action has increased accessibility to buses and trains nationwide.

Excellent mass transit systems like the one that we are fortunate to have in Boston play critical roles in the welfare reform effort. As we attempt to create more jobs so that welfare recipients can enter into the working world, we must not lose sight of the fact that these employees will need an affordable and reliable means of transportation so that they can get to their jobs. Those who took part in the first subway ride a century ago could not have envisioned the important economic role that the subway system would play; those of us who know about this need today must remain ever vigilant against attacks that would cut Federal support for mass transportation.

If Washington did cut transit funding, then how would Charlie ever get out of the subway? Almost 40 years ago, passengers who switched from subway to trolley lines had to pay another nickel to exit the system. The Kingston Trio popularized the plight of a Boston subway passenger in their song ''The MTA.'' Its lyrics include the following verse:

Charlie's wife goes down to the Scollay Square Station,
Every day at a quarter past two.
And through the open window she hands Charlie a sandwich,
As the train comes rumbling through.

Mr. President, Scollay Square Station is now Government Center at Scollay Square, but the Boston subway system continues to thrive. I urge all of my colleagues to join me today in hailing all of the women and men who, over the last 100 years, have worked and traveled on Boston's subway system. Even now, the subway is more than a historical landmark; rather, it is the lifeblood of the historic and vital metropolis that is Boston.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 1310 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNANIMOUS-CONSENT AGREEMENT—CONFIRMATION OF ALGENON L. MARBLEY

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m. on Monday, October 27, the Senate immediately proceed to executive session and a vote on the confirmation of the nomination of Calendar No. 329, Algenon L. Marbley, to be U.S. District Judge for the Southern District of Ohio. I further ask unanimous consent that immediately following the vote the motion to reconsider be laid upon the table and the President immediately be notified of the Senate's action and the Senate then return to legislative session.

I emphasize this is a vote that would occur at 5 p.m. on Monday. This is for Judge Marbley in the Southern District of Ohio. I believe Senator DASCHLE and I have talked about this vote on this judge occurring on Monday.

So I make that request.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered. The minority leader.

Mr. DASCHLE. Mr. President, if the majority leader would yield, I ask that we make a short quorum call prior to the time he makes the next unanimous-consent request.

Mr. LOTT. Mr. President, I observe a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I believe that the order provides for speaking, I presume it was in morning business, for me to speak and I was to be followed by Senator BYRD.

Mr. BYRD. Will the distinguished Senator yield?

Mr. CHAFEE. Yes, certainly.

Mr. BYRD. Mr. President, I didn't understand we were in a period for morning business. At the time I was about to speak, I thought we were on the highway bill. But in any event, if the two leaders are ready to proceed, I will desist until I can address the Senate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 137, which is Kevin Thurm, to be Deputy Secretary of HHS; No. 286, Edward Shumaker, to be Ambassador to Trinidad and Tobago; No. 304, Ellen Seidman, to be Director of the Office of Thrift Supervision; and No. 277, Peter Scher, to be Ambassador as Special Trade Negotiator.

I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

DEPARTMENT OF STATE

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

DEPARTMENT OF STATE

Edward E. Schumaker, III, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

DEPARTMENT OF THE TREASURY

Ellen Seidman, of the District of Columbia, to be Director of the Office of Thrift Supervision for a term of five years.

TREATIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 3, 4, 5, 6, and 7. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. LOTT. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification were agreed to as follows:

AGREEMENT WITH HONG KONG FOR THE SURRENDER OF FUGITIVES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) THIRD PARTY TRANSFERS.—The United States understands that Article 16(2) permits the transfer of persons surrendered to Hong Kong under this Agreement beyond the jurisdiction of Hong Kong when the United States so consents, but that the United States will not apply Article 16(2) of the Agreement to permit the transfer of persons surrendered to the Government of Hong Kong to any other jurisdiction in the People's Republic of China, unless the person being surrendered consents to the transfer.

(2) HONG KONG COURTS' POWER OF FINAL ADJUDICATION.—The United States understands that Hong Kong's courts have the power of final adjudication over all matters within Hong Kong's autonomy as guaranteed in the 1984 Sino-British Joint Declaration on the Question of Hong Kong, signed on December 19, 1984, and ratified on May 27, 1985. The United States expects that any exceptions to the jurisdiction of the Hong Kong courts for acts of state shall be construed narrowly. The United States understands that the exemption for acts of state does not diminish the responsibilities of the Hong Kong authorities with respect to extradition or the rights of an individual to a fair trial in Hong Kong courts. Any attempt by the Government of Hong Kong or the Government of the People's Republic of China to curtail the jurisdiction and power of final adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REPORT ON THE HONG KONG JUDICIAL SYSTEM.—One year after entry into force, the Secretary of State, in coordination with the Attorney General, shall prepare and submit a report to the Committee on Foreign Relations that addresses the following issues during the period after entry into force of the Agreement:

(i) an assessment of the independence of the Hong Kong judicial system from the Government of the People's Republic of China, including a summary of any instances in which the Government of the People's Republic of China has infringed upon the independence of the Hong Kong judiciary;

(ii) an assessment of the due process accorded all persons under the jurisdiction of the Government of Hong Kong;

(iii) an assessment of the due process accorded persons extradited to Hong Kong by the United States;

(iv) an accounting of the citizenship and number of persons extradited to Hong Kong from the United States, and the citizenship and number of persons extradited to the United States from Hong Kong;

(v) an accounting of the destination of third party transfer of persons who were originally extradited from the United States, and the citizenship of those persons;

(vi) a summary of the types of crimes for which persons have been extradited between the United States and Hong Kong.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. ASHCROFT. Mr. President, I rise to address the United States-Hong Kong Extradition Treaty, a treaty which I have followed closely in its passage through the Senate Foreign Relations Committee.

To most Americans, the seemingly nebulous topic of extradition treaties is not particularly important. But let us not be distracted by the complex legal jargon that accompanies this