indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Robert J. Natter, 9953.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Thomas B. Fargo, 9953.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Walter F. Doran, 4942.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Arthur K. Cebrowski, 9746.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be To be vice admiral

Rear Adm. Dennis V. McGinn, 1807.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Daniel J. Murphy, Jr., 6221.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. James O. Ellis, Jr., 4995.

IN THE AIR FORCE

Air Force nominations beginning WILLIAM E. DICKERSON, and ending WILLIAM E. NELSON, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

IN THE ARMY

Army nominations beginning SUE H. ABREU, and ending DARYL N. ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 1998.

Army nominations beginning HERBERT P. FRITTS, and ending WILLIE H. OGLESBY, JR., which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

Army nominations beginning GARY J. DUNN, and ending MICHAEL C. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Army nominations beginning LARRY P. ADAMSTHOMPSON, and ending DOUGLAS R. WOOTTEN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Army nominations beginning ISAAC V. GUSUKUMA, and ending JAMES I. PYLANT, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

Army nominations beginning MICHAEL D. CORSON, and ending KENNETH H. NEWTON, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

Army nomination of *TIMOTHY C. BEAULIEN, which was received in the Senate and appeared in the Congressional Record of June 9, 1998.

Army nominations beginning *JAMES E. RAGAN, and ending *JOHN H. CHILES, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

IN THE MARINE CORPS

Marine Corps nomination of LONNY R. HADDOX, which was received in the Senate and appeared in the Congressional Record of May 22, 1998.

Marine Corps nominations beginning STEVEN P. MARTINSON, and ending BRENT A. SMITH, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Marine Corps nominations beginning WILLIAM M. AUKERMAN, and ending DAYLE L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 1998.

IN THE NAVY

Navy nomination of TIMOTHY W. ZELLER, which was received in the Senate and appeared in the Congressional Record of September 18, 1997.

Navy nominations beginning DANIEL A. ACTON, and ending ERIC R. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 1998.

Navy nomination of MASAKO HASEBE, which was received in the Senate and appeared in the Congressional Record of May 15, 1998.

Navy nominations beginning RICHARD B. ALSOP, and ending THEODORE A. ZOBEL, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 1998.

Navy nominations beginning JASON T. BALTIMORE, and ending DANIEL P. SHANAHAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nominations beginning DAVID L. GROCHMAL, and ending JOEL D. NEWMAN, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nominations beginning RONALD W. HARGRAVES, and ending JANICE L. WALLI, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

Navy nomination of STEPHEN E. PALMER, which was received by the Senate and appeared in the Congressional Record of May 22, 1998.

Navy nominations beginning GARY L. MURDOCK, and ending BRIAN G. WILSON, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 1998.

EXECUTIVE CALENDAR

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 264, 501, 646, 650, and 651.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Mary Anne Sullivan, of the District of Columbia, to be General Counsel of the Department of Energy.

DEPARTMENT OF THE INTERIOR

Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife.

REFORM BOARD (AMTRAK)

Michael S. Dukakis, of Massachusetts, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

John Robert Smith, of Mississippi, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

Tommy G. Thompson, of Wisconsin, to be a Member of the Reform Board (AMTRAK) for a term of five years. (New Position)

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my friend from Montana would simply allow me to announce, for those who have been anxiously awaiting the acceptance of Executive Calendar 264, that was the nomination of Mary Anne Sullivan to be the general counsel of the Department of Energy. I know that Secretary Pena has been very interested in that, as well as Mary Anne Sullivan. I am very pleased with this action today; and, further, Executive Calendar No. 501, the nomination of Mr. Donald J. Barry to be Assistant Secretary of Interior, Fish and Wildlife. I know that Secretary Babbitt, as well as Mr. Barry, has been anxious for this evening.

I wanted to take this opportunity with the indulgence of the President to make that statement.

I thank the Senator.

AMTRAK REFORM BOARD

Mr. MCCAIN. Mr. President, the Senate has confirmed three members to the new Amtrak Reform Board, as provided for under the Amtrak Reform and Accountability Act, P.L. 105–134. That law required a new 7-member Reform Board to replace Amtrak's current Board of Directors. By today's confirmation of Governor Tommy Thompson, Governor Michael Dukaskis, and Mayor John Robert Smith, along with the automatic confirmation of Secretary Rodney Slater, a quorum of new members will be constituted and in turn, the new Board will immediately assume the old Board's responsibilities. This action ensures Amtrak's authorization remains in tact.

I think it is important to discuss the background leading up to today's confirmations. As my colleagues know, the Amtrak reform legislation enacted last December required Amtrak to operate more like a real business. After 27 years and more than $22 billion in taxpayers subsidies, that new law finally

sends a real signal that this is Amtrak's ''last chance'' to turn itself into a viable operation. The status quo has been, and remains, unacceptable. If Amtrak cannot find a way to free itself from its subsidy ''fix,'' then the Amtrak we know today will cease to exist.

Amtrak has been directed to institute substantive changes to enable it to operate free of subsidies by 2002. As such, Congress and the Administration agreed that new leadership at Amtrak was imperative, which is why we provided for a new Reform Board to replace the current Amtrak Board of Directors. It is absolutely necessary to instill a 'new culture' among Amtrak employees and management if Amtrak is ever to become a legitimate business. And that new culture necessitates changes that start from the top.

Let me remind my colleagues that during the last days of negotiations on the reform legislation, three members of the Amtrak Board of Directors, along with Secretary Slater who is also a Board member, negotiated a new labor agreement to give union employees a raise. In the real world it is not very typical for Board members to negotiate labor deals. Yet these three—and at times four—did. They agreed to raise salaries, which is projected to cost Amtrak $35 million in FY 1998 alone, as it is assumed its terms will be extended to all its other unions. It is further projected these costs will grow to $60 million in future year obligations.

One must ask, how could these Board members have been upholding their fiduciary responsibilities by agreeing to increase Amtrak's obligations at the very time Amtrak is looming on the brink of bankruptcy? Amtrak's projected net loss for FY 1998 is greater than the previous year's due in part to the current Board's own actions. Its losses are growing, Mr. President, even though under the law Amtrak has less than two years to demonstrate it can achieve its financial goals, or risk dissolution.

Mr. President, the Democratic Presidentially-appointed Board Members who negotiated the union salary hike assured us at the time that their high-priced labor agreement would require no action by Congress—nor more importantly, would the labor agreement place any additional obligations on the American taxpayers. That was their assurance, even though one of the agreement's contingencies was that the Administration had to request $1.4 billion in additional funding above Amtrak's glidepath projections. So, what has the Administration done?

The Administration didn't request the additional funding, yet the Board did nothing to nullify the contract. Instead, the Administration and Amtrak are now asking Congress to agree to shuffle Amtrak's operating and capital costs. Specifically, they want us to agree to shift labor costs into Amtrak's ''capital'' account so that Amtrak can pay for the Board's labor agreement with funds currently directed for capital investment.

When are we going to say enough is enough? Just how long are the American taxpayers going to be forced to cover the expenses stemming from Amtrak's poor management decisions? It surely won't be hard for Amtrak to tell Congress it met requirements to be free of operating subsidy if the current group at Amtrak can pull this one off. All operating costs could essentially vanish with the stroke of a pen and become capital costs.

And, if Amtrak and the Administration are successful—and I acknowledge Amtrak's political clout in the Congress—how will Amtrak make up for its loss in capital? If Amtrak is permitted to shift capital funds to cover wage increases and other items traditionally considered operating costs, would someone please tell me how Amtrak will make up for the corresponding loss in funding for its capital improvements. I think I know how. Amtrak will just come a calling to Congress to bail it out, just like always.

Mr. President, time and again we have been told Amtrak faces critical infrastructure investment needs which must be met if Amtrak is to have any chance of becoming a viable operation. Time and again we have been told Amtrak needs capital resources to invest in its future. But as I see it, the change they propose has the potential for completely jeopardizing Amtrak's abilities to meet its capital needs which it has sought so long to accomplish.

Mr. President, it is unconscionable that while Congress was under intense negotiations to reach agreement on reform legislation, which was required to release the $2.3 billion so-called ''tax credit'' to Amtrak, the Amtrak Board was doing anything it could to appease the labor unions. Of course, it is no secret who the democratic party is beholden to. While Amtrak's financial situation is in dire straights—looming on the brink of bankruptcy—its democratic Board members agreed to raise union salaries, increasing Amtrak's opperating—and I stress operating—costs by millions of dollars annually. By adopting these wage increases, the current Board failed to fulfill its fiduciary responsibilities not only to Amtrak, but to the American taxpayer as well. Is it any wonder the Congress decided that the Board has to go?

The Congress should be concerned about this situation because two of the six Presidential nominees for the new board are holdovers from the current Board. Another holdover is the Secretary of the Department of Transportation. That makes THREE holdovers according to my count. And these are three of the four that negotiated this sweetheart deal for labor. Surely we did not call for a new Board only to maintain the current members? Doesn't the Administration have any respect for Congressional intent?

The Administration can not argue that it was unaware of Congressional intent because Administration representatives participated in the reform legislation negotiations. Let me remind the Administration about the provisions we discuss today. First, a new 7-member reform Board is to be established. Second, specific eligibility criteria was incorporated in the new law in an attempt to ensure that the new Board members would be qualified to perform their duties. Third, the law requires the new Board to be comprised of individuals with transportation, corporate, or financial expertise.

To further enhance Amtrak's operations, several provisions were included to prompt timely action by the Administration and Congress on filling the new Board. Unfortunately, the spirit of these provisions was met with little respect by the Administration.

The law required the new Board to be in place by March 31, 1998—more than 2 months ago. Yet, the Senate did not receive even a single nomination from the President until the eve of the Memorial Day Recess. Due to concerns that the Administration may drag its feet indefinitely—which only would hurt Amtrak—Amtrak's authorization was linked to the nomination and confirmation of a new Board. Specifically, the law provides that if the new Reform Board has not assumed the responsibilities of the Amtrak Board of Directors before July 1st, Amtrak's authorization lapses. The law also automatically discharged pending Board nomination from the Senate Commerce Committee if the Committee had failed to act by June 1st.

As I said, the new Reform Board was to be in place more than two months ago. Presidential nominations require Senate confirmation, with hearings and review by the appropriate Senate Committees accompanying nominations. Yet due to the lack of timely action by the Administration, the Commerce Committee had no opportunity to carry out its duties prior to the statutory automatic June 1st discharge. I must ask, was the Administration's timing a direct attempt to circumvent the Commerce Committee's authority in this regard?

Mr. President, my position regarding the new Board was made clear from day one. I repeatedly voiced my concerns to the Administration each time I heard rumors of its plans to reappoint current members. I was very clear that the Commerce Committee would not report favorably any Board hold-overs and I remained firm on that position. I truly believed even the Administration would acknowledge we didn't create a new Board only to reappoint the same members.

So what happened? The Administration sent up the nominations as Congress headed into the Memorial Day recess. Two of the six nominations needing confirmation were Board holdovers—that is, one-third. The Administration must have known that the Commerce Committee would be unable to fulfill its hearings and review prior

to the statutory discharge date, given the Administration's stealth nomination submission.

Mr. President, if a new board is not constituted before July 1st, Amtrak's authorization will lapse. That is why the Majority Leader, myself and others are seeking to move forward with some of the nominations in order to meet that deadline. But I stand firm that we should not take these or any other confirmations lightly.

We should demand the intent of the law be fulfilled. We should demand that the new Board not be riddled with potential conflicts of interest by members representing competing transportation businesses and serving on state transit agencies. We should demand some legitimacy to this operation if we really expect Amtrak is to ever become a viable transportation provider.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE CALENDAR

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills en bloc:

Calendar No. 185, S. 1158; Calendar No. 195, S. 1159; Calendar No. 216, S. 439; Calendar No. 217, S. 846; Calendar No. 239, S. 799; Calendar No. 240, S. 814; Calendar No. 241, H.R. 960; Calendar No. 246, S. 538; Calendar No. 252, H.R. 651; Calendar No. 253, H.R. 652; Calendar No. 254, H.R. 848; Calendar No. 255, H.R. 1184; and, Calendar No. 256, H.R. 1217.

Mr. President, I ask unanimous consent that any committee amendments be agreed to, except those that are modified in the amendments that are to be adopted.

I also ask unanimous consent that amendment No. 3042 to S. 1158, amendment No. 3043 to S. 1159, and amendment No. 3044 to S. 538 be considered as read and agreed to, en bloc, the bills be read for the third time and passed, as amended, if amended, the motions to reconsider be laid upon the table, that any statements relating to the bills appear in the RECORD, with the above occurring en bloc.

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

HUNA TOTEM CORPORATION LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1158) to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Huna Totem Corporation Land Exchange Act''.

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

''SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

''(a) GENERAL.—The Secretary of Agriculture referred to as (Secretary) in this section in accordance with the equal value provisions of section 22(f) shall, subject to valid existing rights and easements, convey to the Huna Totem Corporation the surface estate to the Federal lands described in subsection (b)(2) of this section and convey to Sealaska Corporation title to the subsurface estate in such lands.

''(b) DESCRIPTION AND DEADLINES.—The land to be exchanged is located in the Copper River Meridian and is further described as follows:

(1) The surface and subsurface estates to the land to be conveyed by Huna Totem Corporation and Sealaska to the United States, no later than ninety (90) days after the effective date of this section, is depicted on the map dated September 1, 1997, and labeled attachment A, and is described as follows:

''MUNICIPAL WATERSHED AND GREENBELT BUFFER

T43S, R61E, C.R.M.

Portion of Section	Approximate Acres
16	2
21	610
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999

''(2) The surface and subsurface estates to the land to be conveyed to Huna Totem Corporation and Sealaska by the Secretary of Agriculture shall be lands readily accessible to Hoonah and, where possible, located on the road system to Hoonah, and shall be conveyed within one hundred eighty (180) days after the conveyance of lands in subsection (b)(1); and are to be selected from the lands depicted on the map dated September 1, 1997, and labeled Attachment B.

''(c) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

''(d) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section is, for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

''(e) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''

In lieu of the Committee substitute strike all after Section 1. And insert the following:

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read: ''SEC. . HUNA TOTEM CORPORATION LAND EXCHANGE.

''(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

''(b) The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

MUNICIPAL WATERSHED AND GREENBELT BUFFER—T43S, R61E, C.R.M.

Portion of section:

	Approximate acres
16	2
21	610
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999

''(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

''(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

''(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

''(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

''(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.''

The amendment (No. 3042) was agreed to.

The bill (S. 1158), as amended, was passed, as follows: