

Lewiston, ID, on June 3 for the ESA hearing there.

I want to be counted as one who recognizes the value of our fish and wildlife. I have repeatedly said that I cannot support outright repeal of the Endangered Species Act, as many have urged. But the act needs substantial revision if it is to be brought back in balance with the economic well-being of this country and with the needs of its citizens. Far beyond its original intent, the act has been made a bludgeon to suppression legitimate use of public lands and to threaten private landowners and communities.

Nowhere is that fact more obvious than in my State of Idaho. Earlier this year, an Endangered Species Act Lawsuit brought by two preservation groups resulted in a perverse opinion which threatened to shut down all economic activity on 14 million acres in Idaho.

Mr. President, that is an area the size of Rhode Island, Connecticut, Massachusetts and New Hampshire combined. If the courts can find reason under the existing law to render such a devastating opinion as was done in this case, then it is imperative that Congress correct the obvious flaws in the law.

As chair of the two subcommittees in the Senate with jurisdiction over forest policy, I have embarked on a series of hearings to understand and correct the myriad of conflicting laws and regulations which have strangled the practice of good forestry in this country. The practice of forestry is at a standstill on our western public lands, and the primary culprit is the Endangered Species Act. The forests are ruled by the Endangered Species Act, not the Forest Service or the Bureau of Land Management, and that is a reality which must be changed.

Senator GORTON's bill provides many of the needed changes. It includes language which Senator KEMPTHORNE and I introduced as S. 455 earlier this year to prevent a repeat of the court opinion I have already described. It would streamline the section 7 consultation process, which has proven to be unworkable in our experience with threatened and endangered salmon. It brings cost-consciousness, state rights and private landowners back into the equation for conservation of species.

I am pleased to be a cosponsor of S. 768. I have told Senator GORTON that I will assist him in any way possible to accomplish a balanced reform of the ESA. It must be done this year—we have waited too long already. I hope our colleagues will join us in this effort.

#### TRIBUTE TO KRESIMIR COSIC

Mr. HATCH. Mr. President, I stand today to honor the life of Kresimir Cosic, a Croatian patriot and an adopted son of Utah, who died yesterday morning after a long illness. On behalf of Utahns he inspired and charmed for

over a quarter-century, I wish to extend our deepest condolences to his wife and children.

When he died, Kresimir Cosic was the Republic of Croatia's Deputy Ambassador to the United States, a position in which he played an invaluable role. But sports fans in this country and around the world would know him more for his brilliant career in basketball—a career that spanned nearly two decades and brought him to the Olympics four times.

His close ties to our country began nearly 30 years ago, when the coaches at Brigham Young University, who had seen the young Croat from Zadar lead his team from the former Yugoslavia to claim the silver medal in the 1968 Olympics, invited him to play for the BYU team. Kresimir Cosic's decision to accept was, in one way, his first contribution in diplomacy: He would become the first foreign basketball player to win All-American honors, which he did in 1972 and 1973.

At BYU, he endeared himself to Utahns by his brilliant sportsmanship and his personal decency. As a great center he dazzled us all, dribbling behind his back, putting up an amazing defense, and breaking the record of all-time high scorer and rebounder. Off the court, he shared our faith and warmed our homes. In all the years I have known him, including the last year when he was personally suffering a great deal, I never saw him without a smile.

After his 4 years, he was drafted by the L.A. Lakers and the Carolina Panthers, but he chose to return home. Fans of world basketball saw him win most-valued-player honors in the former Yugoslavia, on All-European teams, and in the Olympics, where in Montreal in 1976 his team won the silver medal and in Moscow in 1980 his team beat the Soviets to win the gold.

Kresimir was a Croatian patriot, who dedicated the last part of his life to the rebirth of Croatia's independence, and to building strong relations between his country and ours. The most brilliant sports men and women combine extraordinary skill, a sophisticated sense of strategy, and spirit. I suggest that these are the attributes that also make good diplomats, for Kresimir was one of the best.

Since 1991, Kresimir was one of my wisest counsels on the crisis in the Balkans. Always with optimism, he would outline the regional complexities with a shrewd notion of strategy that effortlessly combined historical sense with the ability to see three moves down the court. In a world where so much foreign policy is merely reactive, Kresimir always counseled on how to anticipate.

While Croatia suffered attack, he did not despair. His love of country never wavered, and his dedication to a free and democratic Croatia was as strong as his character because it was his character. In Washington, he served his country with great distinction, as a

paragon of probity. And always he insisted that Croatia's greatest ally should be the United States. In my experience, no one could embody a greater warmth between two countries than Kresimir Cosic's friendship with Americans.

Kresimir Cosic lived an example of physical discipline, mental focus, and spiritual stamina. He was an inspiration to all who saw him on the court, to all who engaged him in the halls of diplomacy and, above all, to all who had the enriching experience of being his friend. Kresimir Cosic was one of the finest human beings I have ever known. I would like to offer here the deep gratitude of the citizens of Utah for the joy Kresimir gave us from the basketball court, for the faith he shared with us, for the friendship he continued to nurture with us throughout his life, and for the efforts he undertook to strengthen relations between the United States and the Republic of Croatia.

We will miss him.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-136. A resolution adopted by the Board of Commissioners of Ferry County, Washington; to the Committee on Governmental Affairs.

POM-137. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs.

#### "LEGISLATIVE RESOLVE NO. 3

"Whereas the Tenth Amendment to the Constitution of the United States states: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.; and

"Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas today, the states are demonstrably treated as agents of the federal government; and

"Whereas many federal mandates are directly in violation of the Tenth Amendment; and

"Whereas The United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative processes of the states; and

"Whereas a number of proposals now pending before the Congress may further violate the Tenth Amendment of the United States Constitution; and

"Whereas numerous resolutions addressing various mandates imposed on the states by federal law have been sent to the federal government by the Alaska State Legislature without any response or result; and

"Whereas the United States Constitution envisions sovereign states and guarantees the states a republican form of government; and

"Whereas Alaska and its municipalities are losing their power to act on behalf of

state citizens as the power of government is moving farther away from the people into the hands of federal agencies composed of officials who are not elected and who are unaware of the needs of Alaska and the other states; and

"Whereas the federal court system affords a means to liberate the states from the grips of federal mandates; Now, therefore, be it

*Resolved*, That the Alaska State Legislature hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by that constitution; and be it further

*Resolved*, That this resolution serves as notice and demand to the federal government to cease and desist, effective immediately, imposing mandates on the states that are beyond the scope of its constitutionally delegated powers; and be it further

*Resolved*, That the Governor is respectfully requested to examine and challenge by legal action on behalf of the state, federal mandates contained in court rulings, federal laws and regulations, or federal practices to the extent those mandates infringe on the sovereignty of Alaska or the state's authority over issues affecting its citizens; and be it further

*Resolved*, That Alaska's sister states are urged to participate in any legal action brought under this resolution."

POM-138. A concurrent resolution adopted by the Legislature of the State of Arkansas; to the Committee on Governmental Affairs.

#### "SENATE CONCURRENT RESOLUTION

"Whereas, the 10th Amendment to the Constitution of the United States reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'; and

"Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, today the states are demonstrably treated as agents of the federal government; and

"Whereas, numerous resolutions have been forwarded to the federal government by the Arkansas General Assembly without any response or result from Congress or the federal government; and

"Whereas, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; Now therefore, be it,

*Resolved by the Senate of the Eightieth General Assembly of the State of Arkansas, the House of Representatives concurring therein:*

"(1) That the State of Arkansas hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

"(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

*"Be it further resolved*, That copies of this Resolution be sent by the Secretary of the Senate to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the presiding officers of each chamber of the legislatures of the several states, and Arkansas' Congressional Delegation."

POM-139. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Governmental Affairs.

#### "HOUSE CONCURRENT RESOLUTION 2015

"Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'; and

"Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, today the states are demonstrably treated as agents of the federal government; and

"Whereas, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2409 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; Now, therefore, be it

*Resolved by the House of Representatives of the State of Arizona, the Senate concurring:*

"1. That the State of Arizona hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

"2. That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

"3. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives and the President of the Senate of each state's legislature of the United States of America, and the Arizona Congressional delegation."

POM-140. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

#### "JOINT RESOLUTION

"Whereas, the Tenth Amendment to the United States Constitution reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'; and

"Whereas, the Tenth Amendment defines the total scope of federal power as being that power specifically granted by the United States Constitution and no more; and

"Whereas, the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

"Whereas, many federal mandates may be in direct violation of the Tenth Amendment to the United States Constitution; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States*,

112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; and

"Whereas, the Congress of the United States has also passed numerous laws that have protected individual freedom and liberty and promoted the general welfare of all Americans, including, but not limited to, the Civil Rights Act and the Voting Rights Act; Now, therefore, be it

*Resolved*, That we, your Memorialists, on behalf of the people of the State of Maine, claim sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the Federal Government by the Constitution; and be it further

*Resolved*, That this memorial serve as notice and demand to the Federal Government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

*Resolved*, That nothing in this resolution may be construed to demonstrate lack of support for federal legislation protecting individual freedom and liberty and promoting the general welfare of all Americans, including, but not limited to, the Civil Rights Act and the Voting Rights Act; and be it further

*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and the Majority leader of the United States Senate."

POM-141. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Governmental Affairs.

#### "HOUSE CONCURRENT RESOLUTION No. 945

"Whereas, the Tenth Amendment to the Constitution of the United States reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'; and

"Whereas, the Tenth Amendment defines the total scope of federal power as being the authority specifically granted by the United States constitution and no more; and

"Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, today, in 1994, the states are demonstrably treated as agents of the federal government; and

"Whereas, numerous resolutions have been forwarded to the federal government by the Michigan Legislature without any response or result from Congress or the federal government; and

"Whereas, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States* 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous presidential administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Michigan

Legislature hereby asserts Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and be it further

"Resolved, That we hereby memorialize the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the presiding officer of the legislative bodies of each of the states and the members of the Michigan congressional delegation."

POM-142. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION No. 1

"Whereas, the 10th Amendment to the Constitution of the United States states that the 'powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

Whereas, the 10th Amendment confirms that the scope of power of the Federal Government is no more than that which is specifically enumerated and delegated to the Federal Government by the Constitution of the United States; and

"Whereas, the power of the states, as stated in the 10th Amendment, indicates that the Federal Government was created by the several states specifically to act as an agent of the states; and

"Whereas, by requiring the various states to carry out certain federal mandates, the Federal Government is demonstrably treating the states as agents of the Federal Government; and

Whereas, many federal mandates may be in direct violation of the Constitution of the United States, and may, therefore, infringe upon the powers reserved to the states or to the people by the 10th Amendment; and

"Whereas, in the case of *New York v. United States*, 112 S.Ct. 2408 (1992), the Supreme Court of the United States stated that the Congress of the United States may not simply commandeer the legislative and regulatory processes of the states, and that Congress exercises its conferred powers subject to the limitations contained in the Constitution; and

"Whereas, numerous proposals from previous presidential administrations and some now proposed by the current presidential administration and Congress may further violate the 10th Amendment and other provisions of the Constitution of the United States; Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the State of Nevada hereby claims sovereignty pursuant to the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and delegated to the Federal Government by the Constitution of the United States; and be it further

"Resolved, That this resolution serve as a notice and demand to the Federal Government, as the agent of the State of Nevada, to cease and desist immediately the enactment and enforcement of mandates which are beyond the scope of the enumerated powers delegated to the Federal Government by the Constitution of the United States; and be it further

"Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the vice President of the United States as

presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved That this resolution becomes effective upon passage and approval."

POM-143. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION No. 4

"Whereas, since the mid-1980s, Congress has increasingly shifted the cost of federally mandated programs to the states; and

"Whereas, educational programs mandated by the Federal Government seriously impair the ability of a state to establish the academic, social and nutritional programs that it determines are best suited to the particular educational situation in the state; and

"Whereas, the 10th Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, requiring the states to carry out certain educational programs enables Congress to expand its federal power and encroach upon the states' power; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Nevada Legislature hereby urges that before Congress adopts legislation which mandates the states to provide particular educational programs, Congress determine the approximate amount of money it will cost the respective states to comply with the mandate; and be it further

"Resolved, That the Nevada Legislature hereby urges Congress not to enact any mandate requiring the state to provide educational programs in violation of the scope of the enumerated powers delegated to the Federal Government by the Constitution of the United States; and be it further

"Resolved, That copies of this resolution be transmitted forthwith by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-144. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION No. 9

"Whereas, the Lake Tahoe Basin is an area of significant and often unparalleled scenic, recreational, educational, scientific and natural value for the states of California and Nevada as well as the entire nation; and

"Whereas, the natural beauty of the Lake Tahoe Basin has attracted increasing numbers of visitors and residents to the area in the past 25 years, thereby increasing the amount of traffic congestion and air pollution in the basin; and

"Whereas, the Lake Regional Planning Agency, pursuant to its authority under the provisions of the Tahoe Regional Planning Compact, has created a regional transportation plan which calls for the delivery of mail from door to door in the Lake Tahoe Basin as a means of reducing the total number of miles traveled by vehicles in the basin; and

"Whereas, the Tahoe Regional Planning Agency has similarly created a postal service action plan which also provides for the implementation of a program for the delivery of mail from door to door, as well as other programs such as the delivery of mail to neighborhood cluster boxes; and

"Whereas, although the delivery of mail from door to door has been initiated in certain portions of the Lake Tahoe Basin, delivery throughout the basin would decrease the current total number of miles traveled by vehicles in the basin by an estimated 57,000 miles per day; and

"Whereas, such a reduction in the miles traveled per day by vehicles in the Lake Tahoe Basin would help to reduce the increasing amount of traffic congestion and air pollution in the Lake Tahoe Basin; Now, therefore, be it

"Resolved By the Senate Assembly of the State of Nevada, Jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States and the United States Postal Service to initiate and maintain a program for the delivery of mail from door to door in the Lake Tahoe Basin or other similar programs which would enhance the efficiency of the delivery of mail and assist in the effort to reduce traffic congestion and air pollution in the Lake Tahoe Basin; and be it further

"Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Postmaster General of the United States Postal Service; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-145. A concurrent resolution adopted by the Legislature of the State of Oregon; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION 3

"Whereas the Tenth Amendment to the Constitution of the United States reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

"Whereas today, in 1995, the states are in fact treated as agents of the Federal Government; and

"Whereas we declare that all Oregonians, when they form a social compact, are equal in right, that all power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety and happiness and that they have at all times a right to alter, reform or abolish their government in such manner as they may think proper; and

"Whereas memorials have been forwarded to the Federal Government by the Oregon Legislative Assembly without any response or result from Congress or the Federal Government; and

"Whereas many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

"Whereas the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas a number of proposals now pending from the present administration and from the previous Congress would further violate the United States Constitution; Now, therefore, be it

"Resolved by the Legislative Assembly of the State of Oregon:

"(1) That the State of Oregon hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all other powers not otherwise enumerated and granted to the Federal Government by the United States Constitution.

"(2) That the Federal Government, as our agent, is hereby instructed to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated power.

"(3) That a copy of this resolution shall be sent to the President of the United States, the Speaker of the House of Representatives, the President of the Senate of the United States and each house of each state's legislature of the United States of America."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs and the Committee on the Judiciary, jointly, with amendments in the nature of a substitute:

S. 343. A bill to reform the regulatory process, and for other purposes (Rept. No. 104-89).

By Mr. ROTH, from the Committee on Governmental Affairs and by Mr. HATCH, from the Committee on the Judiciary, jointly, with amendments in the nature of a substitute:

S. 343. A bill to reform the regulatory process, and for other purposes (Rept. No. 104-89) (Rept. No. 104-90).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 267. A bill to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas, and for other purposes (Rept. No. 104-91).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### 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. COCHRAN:

S. 867. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift tax in order to preserve American family enterprises, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 868. A bill to provide authority for leave transfer for Federal employees who are adversely affected by disasters or emergencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CHAFEE:

S. 869. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DRAGONESSA, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD (for himself and Mr. JEFFORDS):

S. 870. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON (for himself and Mr. MURKOWSKI):

S. 871. A bill to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. LIEBERMAN):

S. 872. A bill to provide for the establishment of a modernized and simplified health information network for Medicare and Medicaid, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 873. A bill to establish the South Carolina National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. KOHL):

S. 874. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 875. A bill to amend section 202 of the Federal Property and Administrative Services Act of 1949 to exclude certain property in the State of South Dakota; to the Committee on Environment and Public Works.

By Mr. EXON (for himself and Mr. KERREY):

S. 876. A bill to provide that any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, shall not be considered funds available to such agency for purposes of making certain Impact Aid determinations; to the Committee on Labor and Human Resources.

By Mrs. HUTCHISON:

S. 877. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. LOTT, Mr. WARNER, Mr. MCCONNELL, Mr. SANTORUM, Mr. ABRAHAM, Mr. D'AMATO, Mr. BOND, Mr. PRESSLER, Mr. DEWINE, Mr. KYL, Mrs. KASSEBAUM, and Mrs. HUTCHISON):

S. 878. A bill to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America Combined Benefit Fund by certain surplus amounts in the Fund, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. JEFFORDS):

S. 879. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes;

to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S.J. Res. 35. A joint resolution prohibiting funds for diplomatic relations with Vietnam at the ambassadorial level unless the President certifies to Congress that Vietnam is making a good faith effort to resolve cases involving United States servicemen who remain unaccounted for from the Vietnam War, and for other purposes; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself and Mr. BROWN):

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to allow the States to limit the period of time United States Senators and Representatives may serve; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN:

S. 867. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift tax in order to preserve American family enterprises, and for other purposes; to the Committee on Finance.

##### THE NATIONAL FAMILY ENTERPRISE PRESERVATION ACT OF 1995

● Mr. COCHRAN. Mr. President, today I am introducing the National Family Enterprise Preservation Act of 1995 which will provide estate tax relief to many of our Nation's family owned farms and businesses.

Our current tax laws are forcing many inheritors of family farms and businesses to sell the enterprise in order to pay estate taxes. A family farm or business is not only a productive component of our economy, it is a distinctive part of our American economic system and the personal dream of millions of Americans.

But all this is being threatened by high taxes that are imposed by government when the owner dies.

Small businesses are being forced to merge into large corporations because marketable stock can be acquired tax free and many estate tax problems can be avoided. In 1942, the estate tax affected only 1 estate out of 60. Today, this number has increased to 1 out of 20.

Another consideration is that inflation has pushed the value of many family farms and businesses into the range of estate tax liability. The result has been that heirs of these enterprises often sell their business to pay estate taxes.

Family owned farms and businesses are a vital component of our economy and society and should be preserved. They give families a sense of freedom, accomplishment, and pride in ownership. This is the essence of free enterprise.

Mr. Chairman, earlier this year I had the opportunity to visit with a tree farmer from my State who was recognized this year by the Mississippi Forestry Association as "Forester of the Year." His name is Chester Thigpen, and he is truly a remarkable man.