## 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. BINGAMAN (for himself and Mr. DOMENICI):

S. 2097. A bill to modify the boundary of Bandelier National Monument in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 2098. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2099. A bill to amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 2100. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; read the first time.

By Mr. SPECTER (for himself, Mr. HATCH, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mr. BIDEN, Mrs. FEINSTEIN, Mr. THURMOND, Mr. LEAHY, Mr. SIMPSON, and Mr. LEVIN):

S. 2101. A bill to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties; considered and passed.

By Mr. HATFIELD:

S. 2102. A bill to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865; read twice.

By Mr. BREAUX (for himself, Mr. FAIRCLOTH, Mr. HEFLIN, Mr. INHOFE, Mr. HELMS, and Mr. MACK):

S. 2103. A bill to amend title 17, United States Code, to protect vessel hull designs against unauthorized duplication, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. ROBB, Mr. SARBANES, and Ms. MIKULSKI):

S.J. Res. 62. A joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. DOMENICI:

S. 2098. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

### THE WOMEN'S BUSINESS TRAINING CENTERS ACT OF 1996

Mr. DOMENICI. Mr. President, I am pleased to introduce the Women's Business Training Centers Act of 1996, a companion to H.R. 4071 introduced by Congresswoman Nancy Johnson on September 12.

As many of us recognize, women-owned businesses are one of the fastest growing, highly stable, and job-producing segments of our U.S. economy. At the same time, I am afraid they are also one of the most perceptually under-valued segments of our business sector; there are far too many who have overlooked this extraordinary group of business owners.

Let me cite some phenomenal statistics about women-owned businesses.

Between 1982 and 1987, women-owned firms increased by 57.5 percent, more than twice the rate of all U.S. businesses during that period. In 1987 they numbered approximately 4.1 million. By 1996, women-owned businesses had grown to approximately 8 million businesses and employed 18.5 million people, which is one out of every four U.S. company workers and more than the Fortune 500 companies employed worldwide. They generated an estimated $2.3 trillion in sales and are in every industrial sector.

The National Association of Women Business Owners [NAWBO] reports that the growth of women-owned firms continues to outpace overall business growth by nearly two to one, and that their top growth industries are construction, wholesale trade, transportation/communications, agribusiness, and manufacturing. Women entrepreneurs are taking their firms into the global marketplace at the same rate as all U.S. business owners. Women-owned businesses have sustaining power with 40 percent remaining in business for 12 years or more. As spectacular, women own 30 percent of all businesses and are projected to own 50 percent of all businesses by the year 2000.

These statistics are truly impressive. They also emphasize that women-owned businesses have achieved these monumental feats because of business acumen, as well as self-reliance, ingenuity, common sense, and dogged determination. I say this because there still remain enormous obstacles for women who want to establish businesses; in particular, access to capitol and technical assistance.

One of the most beneficial programs designed to assist women business owners is the Women's Business Training Centers in the Small Business Administration [SBA] to provide training, counseling, and technical assistance. I know personally how very beneficial this demonstration program has been in my State of New Mexico. I have talked with the women clients and toured their businesses, and thanks to the able leadership of the centers' personnel, these businesses are growing financially, employing new personnel, and creating new markets for their goods and services.

The Women's Business Training Centers Program is one of the most needed, best utilized, and tangibly successful activities I have seen. It is also one of the smallest programs in the SBA; the Administration requested only $2 million this year, although I am hopeful Congress will see fit to fully fund it at twice this amount. In my estimation, this program should be expanded so that the SBA can establish the business centers in all of the States, particularly those 22 States that currently have no sites.

The program is slated to end in 1997. I believe this would be a real disservice to America's women business owners. Therefore, this bill will permanently authorize the program, increase the centers' funding cycle from 3 to 5 years, and increase its presently authorized funding level from $4 to $8 million.

I believe the time has come for Congress to recognize how absolutely essential women entrepreneurs are to the American economy. As I stated previously, women business owners have achieved enormous successes because of their independent spirit and skills. We can, however, offer some valuable assistance for a very minimal amount of funding. I believe it fair to say that the return on that investment will far exceed just about any other we may make.

As the National Association of Women Business Owner's fact sheet points out, ''the greatest challenge of business ownership for women is being taken seriously.'' The statistics and proven record of women business owners speaks for itself, and I invite my colleagues to support this effort in their behalf.

This bill, which is going to continue to expand upon the concept of having women business training centers, should become law. I am not sure that will happen this year. But based upon the kind of things happening and the needs out there and the fairness of this approach, I believe it will become law. I am pleased to introduce it at this point.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2098

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Women's Business Training Centers Act of 1996''.

**SEC. 2. WOMEN'S BUSINESS TRAINING CENTERS.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

''SEC. 29. (a) The Administration may provide financial assistance to private organizations to conduct five-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

''(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cashflow and other financial operations of a business concern;

''(2) management assistance, including training and counseling in how to plan, organize, staff, direct and control each major activity and function of a small business concern; and

''(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

''(b)(1)) As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

''(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars;

''(B) in the third year, 1 non-Federal dollar for each Federal dollar; and

''(C) in the fourth and fifth years, 2 non-Federal dollars for each Federal dollar.

''(2) Up to one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions which are budget line items only, including but not limited to office equipment and office space.

''(3) The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

''(4) If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded. In addition, prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

''(c) Each applicant organization initially shall submit a five-year plan on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of five years per site. The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

''(1) the experience of the applicant in conducting programs or on-going efforts designed to impart or upgrade the business skills of women business owners or potential owners;

''(2) the present ability of the applicant to commence a project within a minimum amount of time; and

''(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged.

''(d) For the purposes of this section, the term small business concern, either 'start-up' or existing, owned and controlled by women includes any small business concern—

''(1) which is at least 51 percent owned by one or more women; and

''(2) the management and daily business operations are controlled by one or more women.

''(e) There are authorized to be appropriated $8,000,000 per year to carry out the projects authorized by this section. Notwithstanding any other provision of law, the Administration may use such expedited acquisition methods as it deems appropriate to achieve the purposes of this section, except that it shall ensure that all eligible sources are provided a reasonable opportunity to submit proposals.

''(f) The Administration shall prepare and transmit a biennial report to the Committees on Small Business of the Senate and House of Representatives on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

''(1) the number of individuals receiving assistance;

''(2) the number of start-up business concerns formed;

''(3) the gross receipts of assisted concerns;

''(4) increases or decreases in profits of assisted concerns; and

''(5) the employment increases or decreases of assisted concerns.

''(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—There is hereby established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises, as such term is defined in section 408 of the Women's Business Ownership Act of 1988. The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.''.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2099. A bill to amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program, and for other purposes; to the Committee on Finance.

VETERANS BENEFITS LEGISLATION

Mr. GRASSLEY. Mr. President, on behalf of myself and Senator GRAHAM, I am introducing today legislation which, when enacted, will modify the treatment of certain veterans benefits received by veterans who reside in State veterans homes and whose care and treatment is paid for by the Medicaid Program.

Veterans residing in State veterans homes, who are eligible for aid and attendance [AA] and unusual medical expense [UME] benefits, veterans benefits provided under Title 38 of the United States Code, who are also eligible for Medicaid, are the only veterans in nursing homes who receive, and who are able to keep, the entire AA and UME benefit amounts. This can be as much as $1,000 per month.

Other veterans, who reside in other types of nursing homes are receiving Medicaid, and who are also eligible for AA/UME can receive only $90 per month from the VA.

Yet other veterans, who reside in State veterans homes but who are not eligible for the AA/UME benefits must contribute all but $90 of their income to the cost of their care.

So, even though veterans residing in State veterans homes who are eligible for AA and UME benefits and who qualify for Medicaid have all of their treatment and living expenses paid by the State Medicaid Program, they nevertheless may keep as much as $1,000 per month of the AA and UME benefits.

It might be useful for me to review how this state of affairs came to be.

In 1990, legislation was enacted (PL 101–508, November 5, 1990) which modified title 38, the veterans benefits title of the United States Code, to stipulate that veterans with no dependents, on title XIX, residing in nursing homes, and eligible for aid and attendance and unusual medical expenses, could receive only a $90 per month personal expense allowance from the VA, rather than the full UME and AA amounts.

State veterans homes were subsequently exempted from the definition of nursing homes which had been contained in those earlier provisions of PL 101–508 by legislation enacted in 1991—PL 102–40, May 7, 1991.

The result was that veterans on title XIX and residing in State veterans homes continued to receive UME and AA. Until recently, the State veterans homes followed a policy of requiring that all but $90 per month of these allowances be used to defray the cost of care in the home.

Then, a series of Federal Court decisions held that neither UME nor AA could be considered income. The court decisions appeared to focus on the definition of income used in pre- and post-eligibility income determinations for Medicaid. The court decisions essentially held that UME and AA payments to veterans did not constitute income for the purposes of post-eligibility income determinations. The reasoning was that, since these monies typically were used by veterans to defray the cost of certain services they were receiving, the payments constituted a ''wash'' for purposes of income gain by the veterans.

However, the frame of reference for the courts' decisions was not a nursing home environment in which a veteran receiving Medicaid benefits might find himself or herself. In other words, the UME and AA payment received by a veteran on Medicaid are provided to a veteran for services for which the State is already paying through the Medicaid program. The veteran is not paying for these services with their own income. So, as a consequence of the court decisions, these payments to the veteran in State Veterans Homes represent a net gain in income to the veteran; they are not paid out by the veteran to defray the cost of services the veteran is receiving.

As I mentioned earlier, VA does not pay AA or UME to veterans who are also on title XIX and residing in non-State Veterans Home nursing homes. Those veterans get only a $90 per month personal allowance.

And non-Medicaid eligible veterans who reside in State Veterans Homes

must pay for services with their own funds. If they get UME and AA payments, the State Veterans Home will take all but $90 of those sums to help defray the cost of the nursing home care.

Although the written record does not document this, I believe that the purpose for exempting State Veterans Homes was to allow the Homes to continue to collect all but $90 of the UME and AA paid to the eligible veteran so as to enable State Veterans Homes to provide service to more veterans than they otherwise would be able to provide.

In any case, it seems highly unlikely that the purpose of exempting State Veterans Homes would have been to allow these veterans, and only these among similarly situated veterans, to retain the entire UME and A&A amounts.

The legislation I am introducing today modifies Section 1902 (r)(1) of the Social Security Act to stipulate that, for purposes of the post-eligibility treatment of income of individuals who are institutionalized—and on Title 19—the payments received under a Department of Veterans Affairs pension or compensation program, including Aid and Attendance and Unusual Medical Expense payments, may be taken into account.

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By Mr. HATCH:

S. 2100. A bill to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police; read the first time.

MARSHALL OF THE SUPREME COURT LEGISLATION

Mr. HATCH. Mr. President, I am pleased to introduce legislation that is needed before the end of this legislative session. This simple bill would extend the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security to Justices, Court employees, and official visitors beyond the Court's buildings and grounds. The bill is straightforward and should not be controversial.

The authority for the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond Court grounds appears at 40 U.S.C. 13n(a)(2), and was first established by Congress in 1982. Congress has periodically extended that authority, which is now slated to expire on December 29, 1996. See 40 U.S.C. 13n(c).

In the past 14 years, there has not been an interruption of the Supreme Court Police's authority to provide such protection. Congress originally provided that the authority would terminate in December 1985, and extensions have been provided ever since. In 1985, authority was extended through December 26, 1986; in 1986, it was extended through December 29, 1990; in 1990, it was extended through December 29, 1993; and in 1993, it was extended through December 29, 1996.

Chief Justice Rehnquist has written to me requesting that Congress extend this authority permanently. The Chief Justice correctly pointed out to me in his letter, ''As security concerns have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption.'' The Supreme Court informs me that threats of violence against the Justices and the Court have increased since 1982, as has violence in the Washington metropolitan area. Accordingly, I support a permanent extension of this authority to provide for the safety of the Justices, court employees, and official visitors.

Given the late date in the Congress, however, and the fact that we must pass an extension before December 29, 1996, I am introducing legislation that would provide for a 4-year extension, until December 29, 2000. I encourage Congress at some point to extend the authority on a permanent basis, but I am suggesting a 4-year extension so that we can get this done on short order.

I note for my colleagues that this provision is without significant cost, but provides great benefits to those on the highest court in the land and those working with them. According to the Supreme Court, from 1993 through 1995, there were only 25 requests for Supreme Court Police protection beyond the Washington, DC metropolitan area, at a total cost of $2,997. I am also informed that off-grounds protection of the Justices within the DC area is provided without substantial additional cost, since it is part of the officers' regularly scheduled duties along with tasks on Court grounds.

I encourage my colleagues to support this much-needed extension so that we can pass this bill before we adjourn.

By Mr. HATFIELD:

S. 2102. A bill to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865; read twice and ordered placed on the calendar.

TREATY NULLIFICATION LEGISLATION

Mr. HATFIELD. Now, Mr. President, this is probably the last act of legislation that I will perform in my long tenure in the Senate. I want to offer today, and I am very hopeful that even though this is in the closing hours that this will rise above any other kind of considerations because it offers an opportunity for all of us to correct a historic wrong. One hundred and forty-one years ago, at the request of the U.S. Government, the Tribes of Middle Oregon gathered near The Dalles on the Columbia River to negotiate and sign a treaty that would forever change the lives of their people. On June 25, 1855, after many days of extended discussions and negotiations with Joel Palmer, Superintendent of Indian Affairs for the Oregon Territory, the treaty between the Tribes of Middle Oregon and the United States was signed. It was ratified by the U.S. Senate March 8, 1859 and has served since that time as the primary agreement between the Warm Springs Tribes and the U.S. Government.

The 1855 treaty established a reservation—referred to as the Warm Springs Reservation—some 50 miles to the south of the Columbia River, on the Deschutes River. The 1855 treaty also provided that the members of the signatory tribes settle on the newly created reservation and cede the balance of their territory to the United States. In signing the 1855 treaty, the tribes insisted upon retaining their right to hunt, fish, graze, and gather roots and berries at their usual and accustomed stations and on unclaimed lands outside the reservation. These reserved treaty rights were essential for the Tribes' life and culture.

While the tribes settled on the reservation soon after the treaty signing, they maintained their accustomed practice of traveling regularly to the Columbia River to harvest its magnificent runs of salmon. The continued presence of Indian people fishing along the Columbia, however, irritated the non-Indian settlers and prompted the then-Superintendent of Indian Affairs for Oregon, J.W. Perit Huntington, to pursue efforts to keep the Tribes away from the settlers.

To that end, Superintendent Huntington drew up a supplemental treaty and, on November 15, 1865, convinced the tribes of the Warm Springs Reservation to sign it. This treaty, called the Treaty with the Middle Oregon Tribes of November 15, 1865, was ratified by the U.S. Senate on March 2, 1867. According to its terms, the treaty prohibits the Indians from leaving the Warm Springs Reservation without the written permission of the Government and relinquishes all of the off-reservation rights so carefully negotiated by the tribes as part of the 1855 treaty.

The Indians of the Warm Springs Reservation have never complied with the 1865 treaty and the United States has never tried to enforce it. The historical record explains why this is so. The 1865 treaty was obtained by fraud—plain and simple. The Indians, who did not speak, read, or write English, were told by the Government agent that the treaty only required them to notify the Government agent when they left the reservation to fish on the Columbia. They were never told that the treaty abrogated their cherished right to fish at Celilo Falls and other traditional places outside the reservation. How do we know this? Historical documents. Historical documents, including subsequent U.S. Justice Department affidavits taken from Warm Springs Indians present at both the 1855 and 1865 treaty signings, show that the Indian signatories understood the agreement as providing a pass system identifying Indians leaving the reservation to exercise off-reservation rights. They understood this pass system as a means of distinguishing the friendly treaty tribes

from the hostile Indians who were raiding in the area. It was never understood or explained that the treaty relinquished all off-reservation rights, or that Indians could not leave the reservation without the Superintendent's written consent.

According to the affidavits, Huntington secured the signatures of members of the tribes during a stay on the reservation that lasted less than 24 hours. It is difficult to conceive that the tribes, in less than 1 day, would agree to imprison themselves on their reservation and relinquish the off-reservation rights that they exhaustively negotiated in 1855, cutting themselves off from their principle source of food. As the affidavit of Albert Kuck-up states:

I am sure that the Indians would have positively refused to sign any paper, for Huntington or anyone else, that would have taken from them their fishing rights or fishery. Fish is to us what bread is to the white man.

Affidavits and other historic documents show that Huntington then departed for Klamath, OR, never to return. He even took with him the two wagons and teams he had promised to leave with the Indians of the Warm Springs Reservation.

Almost immediately following the signing of the 1865 treaty, the Indians from the Warm Springs Reservation continued to travel to the Columbia River to fish from their historic fishing sites. Warm Springs Agency agent John Smith wrote in his June 26, 1867, report to Superintendent Huntington that ''as early as the 16th of May, 1866, the Indians began to visit the salmon fisheries in large numbers.'' Reports by Agent Smith in subsequent years further document continued fishing on a substantial scale, and in a July 1, 1869, letter from Agent Smith to Superintendent A.B. Meacham—who replaced Huntington on May 15, 1869—Smith noted ''the Indians said they did not understand the terms of the [1865] treaty'', that ''they claim that it was not properly interpreted to them'', and that ''they were led to believe the right of taking fish, hunting game, etc., would still be given them because salmon was such an essential part of their subsistence.'' That same year, in a September 18, 1869 report regarding the Warm Springs Reservation to Superintendent Meacham, U.S. Army Captain W.M. Mitchell wrote,

I also have to report, for the consideration of the proper authorities, that the Indians unanimously disclaim any knowledge whatever of having sold their right to the fishery at The Dalles of the Columbia, as stated in the amended treaty of 1865, and express a desire to have a small delegation of their head men visit their Great White Father in Washington, and to him present their cause of complaint.

Official U.S. Government reports in subsequent years continue to note the Warm Springs Reservation Indian's strong objection to the 1865 treaty, their continued and uninterrupted reliance on their fisheries on the Columbia River, and the fraudulent nature of the 1865 treaty signing. In the annual report, dated August 15, 1884, Warm Springs Agent Alonzo Gesner finds:

on record what purports to be a supplementary treaty . . . which is beyond a doubt a forgery on the part of the Government in so far as it relates to the Indians ever relinquishing their right to the fisheries on the Columbia River; and as a matter of justice to the Indians, as well as to the Government, the matter should be made right and satisfactory to the Indians as soon as possible. . . . All the Indians say emphatically that when the treaty was read to them no mention was made of their giving up the right to fish. All that was said was that they were to agree not to leave the reservation without getting passes, . . . The fact is they were wilfully and wickedly deceived.

In 1886, Warm Springs Agent Jason Wheeler reported to the Commissioner of the Indian Affairs in Washington, DC, regarding the 1865 treaty that ''if ever a fraud was villainously perpetrated on any set of people, red or white, this was, in my opinion, certainly one of the most glaring.'' In 1887, Commissioner of Indian Affairs J.D.C. Atkins, in his annual report to the Secretary of the Interior, cited a recent War Department report by Gen. John Gibbons that:

called attention to the oft-repeated, and I may say very generally credited, story of fraud in the treaty of 1865, whereby the Warm Springs Indians were, it is claimed, cheated out of their fishery by the Huntington treaty. Salmon,

he wrote:

is material and of grave importance to them. It is their principal source of subsistence, and they never intended to part with it, but were cheated and swindled out of it by a cunning and unprincipled U.S. official. I would recommend your early attention to the matter upon the convening of Congress.

Mr. President, those are the words of representatives of the American Government assessing this kind of a fraud perpetrated upon the Warm Spring Indians in the 1870's and 1880's.

Mr. President, that report, along with the many others, along with appeals made by the tribes, apparently fell on deaf ears. But while the 1865 treaty remains on the books, the United States has never enforced it and the Tribes of the Warm Springs Reservation have continued the uninterrupted exercise of their 1855 off-reservation fishing, hunting, gathering, and grazing rights. The 1865 treaty has been effectually rendered null, disregarded by the tribes and the United States as a fraud from virtually the time it was signed. It is doubtful that the 1865 treaty has any legal validity. Moreover, in the intervening years, the Federal courts and the U.S. Congress have repeatedly recognized the Warm Springs Tribes' rights secured under the 1855 Treaty.

Mr. President, the legislation I introduce today declares the fraudulent 1865 treaty to be null and void. At the request of the Warm Springs Tribes, my bill will at long last correct this historical travesty. I wish to note that, other than formally nullifying what for many years has been a nullity in practice, this legislation will not alter the recognized 1855 rights of the Confederated Tribes of the Warm Springs Reservation. This legislation is more of a housekeeping measure—albeit housekeeping that will help the honor of the United States and dignity of a long-wronged people.

It is my understanding that both the chairman and ranking member of the Indian Affairs Committee are supportive of this proposal. The same is true for the administration. On that basis, I hope this matter can be addressed in an expeditious manner.

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By Mr. BREAUX (for himself, Mr. FAIRCLOTH, Mr. HEFLIN, Mr. INHOFE, Mr. HELMS, and Mr. MACK):

S. 2103. A bill to amend title 17, United States Code, to protect vessel hull designs against unauthorized duplication, and for other purposes; to the Committee on the Judiciary.

THE BOAT PROTECTION ACT OF 1996

● Mr. BREAUX. Mr. President, today I am introducing a bill, entitled the Boat Protection Act of 1996. The bill will attempt to stop an increasingly common problem facing America's marine manufacturers—the unauthorized copying of boat hull designs. Such piracy threatens the integrity of the U.S. marine manufacturing industry and the safety of American boaters.

A boat manufacturer invests significant resources in creating a safe, structurally sound, high performance boat hull design from which a line of vessels can be manufactured. Standard practice calls for manufacturing engineers to create a hull model, or plug, from which they cast a mold. This mold is then used for mass production of boat hulls. Unfortunately, those intent on pirating such a design can simply use a finished boat hull to develop their own mold. This copied mold can then be used to manufacture boat hulls identical in appearance to the original line, and at a cost well below that incurred by the original designer.

This so-called hull splashing is a significant problem for consumers, manufacturers, and boat design firms. American consumers are defrauded in the sense that they do not benefit from the many aspects of the original hull design that contribute to its structural integrity and safety, and they are not aware that the boat they have purchased has been copied from an existing design. Moreover, if original manufacturers are undersold by these copies, they may no longer be willing to invest in new, innovative boat designs—boat designs that could provide safer, less expensive, quality watercraft for consumers.

A number of States have enacted anti-boat-hull-copying, or plug mold, statutes to address this problem of hull splashing. These States include my State of Louisiana, as well as Alabama, California, Florida, Indiana, Kansas, Maryland, Mississippi, Missouri, Tennessee, and Wisconsin. However, a decision by the U.S. Supreme Court in Bonito Boats versus Thundercraft Boats,

Inc., invalidated these State statutes on the basis of Federal patent laws preemption. The legislation I am introducing today would address the concerns of hull splashing without attempting to amend the patent are copyright laws.

Such nonintrusive initiatives are not new to Congress. In 1984, Congress acted to protect the unique nature of design work when it passed the Semiconductor Chip Protection Act. This act was designed to protect the mask works of semiconductor chips, which are essentially the molds form which the chips are made, against unauthorized duplication. I believe that the approach Congress took in that legislation would also be sufficient to protect boat hull designs.

The Boat Protection Act of 1996 would work in concert with current Federal law to protect American marine manufacturers from harmful and unfair competition. I am introducing this bill today as a demonstration of my commitment to the immediate resolution of this problem, and since enactment of this legislation during the remaining days of the 104th Congress is unlikely, I intend to pursue this issue as priority in the 105th Congress.

I urge my colleagues to support the Boat Protection Act of 1996 and to join in this effort to protect the American public and the marine manufacturing community from the assault on American ingenuity caused by hull splashing.●

By Mr. WARNER (for himself, Mr. ROBB, Mr. SARBANES and Ms. MIKULSKI):

S.J. Res. 62. A joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS ACT OF 1996

● Mr. WARNER. Mr. President, I am introducing legislation today which would grant the consent of Congress to amendments made by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact. The compact amendments that are being proposed today govern how the Washington Metropolitan Area Transit Authority (WMATA), better known as ''Metro'', conducts its daily operations as a transit provider.

The Washington Metropolitan Area Transit Authority was established in 1967 by Congress when it consented to an Interstate Compact created by Virginia, Maryland, and the District of Columbia. The authority was established to plan, finance, construct and operate a comprehensive public transit system for the Metropolitan Washington area. Today, Metro operates 1,439 buses and 764 rail cars serving the entire national capital region. The Metrorail System, sometimes called ''America's Subway'' has 89 miles and 74 stations currently in service. Over the next several years, Metro will construct another 13.5 miles of the rail system, with the planned 103-mile rail system being completed in 2001.

The Washington Metropolitan Area Transit Authority Compact has been amended five times since its inception. The amendments that are before the Committee are a sixth set of amendments that will enable the transit agency to perform its functions more efficiently and cost effectively.

The proposed amendments primarily, and most importantly, modify the Authority's procurement practices to conform with recently enacted federal procurement reforms. Currently, the Authority must use a sealed bid process in purchasing capital items. As you can imagine, the Authority conducts extensive procurement in constructing the rail system. The proposed amendments will enable Metro to engage in competitive negotiations on capital contracts, as an alternative to the sealed bid process. This amendment is particularly important as a means for the Authority to reduce its costs.

The transit agency will be better able to define selection criteria and eliminate costly items from bid proposals. If a prospective contractor recommends a change in a bid specification, under the proposed amendment that Authority will be able to take advantage of this cost savings.

The proposed amendments will also allow the Authority to raise its simplified purchasing ceiling from $10,000 to the federal level. The Federal Transit Administration, part of the U.S. Department of Transportation, has encouraged states and localities to raise the dollar threshold for small purchases to $100,000 to come into conformity with Federal procedures. The Authority and the jurisdictions it serves strongly endorse this proposed amendment, allowing the Authority to conduct its business in an efficient, business-like manner, rather than being required to publish voluminous bid specifications, even on small purchases. Under this revision, WMATA will be able to publish a simplified bid specification and accept price quotations, thus streamlining its procurement procedures. Given inflation rates over the past several years, this amendment provides a much better definition of ''small purchase'' for a government agency.

Finally, there are several administrative matters addressed in the proposed compact amendments that are certainly of a housekeeping nature. These amendments are largely codifications and clarifications of current practices. They relate to, for example, the primacy of D.C. Superior Court in cases involving WMATA, and the definition of a quorum at WMATA Board meetings.

This joint resolution is of the utmost importance to the Washington Metropolitan Area Transit Authority. It goes straight to the heart of how the Transit Authority does business.●

## ADDITIONAL COSPONSORS

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 1832

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1832, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 2000

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 2000, a bill to make certain laws applicable to the Executive Office of the President, and for other purposes.

At the request of Mr. COATS, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2000, supra.

S. 2030

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, and for other purposes.

S. 2075

At the request of Mr. CHAFEE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 2075, a bill to amend title XVIII of the Social Security Act to provide additional consumer protections for Medicare supplemental insurance.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution expressing the sense of the Senate with respect to the persecution of Christians worldwide.

## AMENDMENTS SUBMITTED

### THE MARITIME SECURITY ACT OF 1996

### GRASSLEY AMENDMENTS NOS. 5393–5395

Mr. GRASSLEY proposed three amendments to the bill (H.R. 1350) to amend the Merchant Marine Act, 1936