

tremendous good will, enormous heart, and joyful sense of humor. He will be greatly missed by all who knew him and loved him. May He Rest In Peace.●

THE ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

● Mr. BRADLEY. Mr. President, I am pleased to support S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. My interest in the pipeline safety issue dates back to the explosion and fire at Edison, NJ in 1994. In reaction to that tragedy, which set fire to eight apartment houses and cost one life, I introduced the Comprehensive One-Call Notification Act, S. 164, cosponsored by Senators SPECTOR, LAUTENBERG and EXON. The purpose of that bill was to improve state-wide notification systems to protect natural gas and hazardous liquid pipelines from being damaged during excavations, the cause of the Edison accident.

In S. 1505, the Commerce Committee has wisely chosen to strengthen State one-call programs, and has provided new authorization for grants to States to establish one-call notification systems consistent with standards which assure at least a minimally acceptable level of protection from accidents. These grants, which were also a feature of S. 164, will assist States in developing the kinds of one-call systems needed to prevent future Edisons from happening.

While I would have preferred a stronger and more comprehensive set of requirements, the bill is an important first step toward the goal of implementing strong, comprehensive one-call systems nationwide.

S. 1505 also includes new language broadening public education programs carried out by natural gas pipeline owners to include the use of one-call systems.

Finally, I was pleased to join with Senator LAUTENBERG in proposing additional provisions which are the subject of a manager's amendment to S. 1505. These include a survey and risk assessment by the Department of Transportation of the effectiveness of remotely-controlled valves which shut off the flow of natural gas in the event of a pipeline rupture. Once the survey and assessment are completed, the Secretary of Transportation shall issue standards for their use if he or she finds them technically and economically feasible.

The manager's amendment also includes measures to promote public awareness of pipeline location. Pipeline owners or operators must provide municipalities where pipelines are located with facility maps to prevent accidents and respond to pipeline emergencies. In addition, the Secretary of Transportation must survey existing public education plans to determine which components are most effective at accident prevention. After analyzing the results of the survey, the Secretary may pro-

mulgate nationwide regulations, if necessary, to ensure the safest feasible pipeline public education system.

The bill and these amendments, taken together, represent a considerable improvement over current practices for accident prevention. I hope they can be enacted this year, and prevent another Edison accident.●

NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

● Mr. MCCAIN. Mr. President, I rise today to urge my colleagues to support this important legislation which will resolve a longstanding dispute between the Hopi Tribe, the Navajo Nation and the United States. This legislation marks the culmination of 4 years of mediation efforts of the Ninth Circuit Court of Appeals involving the Hopi Tribe, the Navajo Nation, representatives of the Navajo families residing on Hopi partitioned lands, and the U.S. Department of Justice. S. 1973 provides for the settlement of four claims of the Hopi Tribe against the United States and provides the necessary authority to the Hopi Tribe to issue 75-year lease agreements to Navajo families residing on the Hopi partitioned land. This legislation will ratify the settlement and accommodation agreements made by the Department of Justice, the Hopi Tribe, the Navajo Nation, and the Navajo families residing on the Hopi partitioned lands.

The settlement marks an important first step in bringing this longstanding dispute between the Hopi Tribe, the Navajo Nation, and the United States to an orderly and peaceful conclusion. These agreements are the product of many, many hours of negotiation under the auspices of the Ninth Circuit Court of Appeals mediation process. While I understand that there are factions in both the Hopi Tribe and the Navajo Nation who have voiced their opposition to the settlement, I believe that these agreements represent the only realistic way to settle the claims of the Hopi Tribe against the United States and to provide an accommodation for the hundreds of Navajos residing on Hopi partitioned lands.

I believe it is imperative that the Congress take this step before the close of this session in order to bring this longstanding dispute to a final resolution. It has been over 22 years since the Navajo-Hopi Settlement Act was passed with the intention of settling the disputes between the Navajo Nation and the Hopi Tribe. Since that time, the Federal Government has spent over \$350 million to fund the Navajo-Hopi Relocation Program. That funding exceeded the original cost estimates by more than 900 percent. And yet, there are over 130 appeals still pending, which raises a great deal of uncertainty regarding who is and is not eligible for further relocation benefits under the act. I am convinced that future Federal budgetary pressures will force closure of the Navajo-Hopi Relo-

cation Housing Program. I intend to ensure that this be done in an orderly fashion. I will introduce separate legislation in the near future that will provide for a measured phase out of the Navajo-Hopi Relocation Housing Program in 5 years. As an important first step, it is critical that the Congress pass legislation to settle the outstanding claims of the Hopi Tribe against the United States.

There are several important clarifications that have been made to the legislation as part of our committee's deliberation on the bill. S. 1973 has been amended to make clear that the Hopi Tribe has the authority to renew leases entered into under the settlement for additional terms of 75 years. The bill makes clear that the Hopi Tribe cannot place land into trust that is located within a 5 mile radius of an incorporated town or city in northern Arizona and that prior to placing lands into trust for the Hopi Tribe, the Secretary shall certify that no more than 15 percent of the eligible Navajo households remain on the HPL without having an accommodation agreement with the Hopi Tribe. These clarifications will help ensure that this settlement will achieve a greater degree of finality.

Mr. President, I am also proposing several amendments which further clarify provisions in the settlement and its potential impacts on communities in northern Arizona. The first amendment clarifies that the provisions prohibiting the Secretary from taking lands into trust within 5 miles of an incorporated town also apply to cities in northern Arizona. The second amendment adds a finding to the bill that recognizes that the Navajo Nation and the Navajo families did not participate in the settlement between the Hopi Tribe and the United States. The third amendment adds a new definition for newly acquired trust lands. The fourth amendment pertains to the potential impacts of the settlement provisions on ongoing water rights negotiations in northern Arizona. It would make clear that the settlement agreements provisions would not prejudice or adversely impact existing water users and more senior water rights holders along the Little Colorado River. This provision also makes clear that any water rights covered in the settlement agreement are a part of, and bound by, the adjudication of the court presiding over the Little Colorado River adjudication. Finally, the amendment makes clear that nothing in the Act or the amendments made by the act shall preclude, limit, or endorse actions by the Navajo Nation to seek, in court, an offset from judgments for payments received by the Hopi Tribe.

It is my understanding that as part of the negotiations on provisions in the bill relating to the Little Colorado River adjudication, the Hopi Tribe and the city of Flagstaff have commenced discussions to resolve the water rights of the city of Flagstaff. I am very

pleased that the city of Flagstaff has communicated its support for this settlement and its desire to work with the Hopi Tribe to resolve the outstanding issues related to their respective claims to scarce water resources. I am also pleased that the Hopi Tribe has pledged to work diligently with the city to resolve these difficult issues. It is my hope that both the Hopi Tribe and the city of Flagstaff will be able to resolve these issues amicably in the near future. To that end, let me assure the parties that I will provide whatever assistance I can in working with the Hopi Tribe and the city of Flagstaff to resolve these important issues.

Mr. President, this long overdue legislation marks an important first step toward the resolution of the disputes between the Hopi Tribe, the Navajo Nation, and the United States which have been the subject of over 35 years of litigation and acrimony. For the first time since this dispute began, a mechanism will be provided that permits Navajo families to legally remain on homesites within the Hopi partitioned lands. It is vitally important that Congress pass this legislation in order to settle these long-standing claims against the United States and to provide an opportunity for many Navajo families to remain on their homesites.

Finally, Mr. President, this legislation is supported by the Navajo Nation, the Hopi Tribe, the administration, the State of Arizona, and representatives of the Navajo families residing on the Hopi partitioned lands. Accordingly, I strongly urge the Senate to pass S. 1973.●

TRIBUTE TO ARMY COL. BARBARA SCHERB

● Mr. INOUE. Mr. President, as the 104th Congress draws to a close, I stand to pay tribute to a distinguished Army officer who served as a congressional science fellow on my staff during this Congress. Col. Barbara Scherb, U.S. Army, was selected for this highly coveted fellowship as a result of her outstanding training, experience, and accomplishments. She is the prototype of what nursing leadership should be. Her impeccable credentials and superb performance earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed an infectious demeanor, tremendous integrity, decisive leadership style, political savvy, and unending energy. The ultimate Army officer, Colonel Scherb is a visionary thinker who has the innate ability to implement these visions. Colonel Scherb is the consummate professional; nursing never had a better ambassador nor patients a more devoted advocate.

Colonel Scherb forged strong alliances and affiliations with a myriad of congressional offices, committees, and Federal and civilian agencies to present a cohesive approach to legislative proposals. She worked closely with staff members on the Senate Armed

Services and Labor and Human Resources Committees and Defense and Labor, Health and Human Services and Education Appropriations Subcommittees in support of military health issues and national nursing and health care agendas.

As a champion of tri-service nursing and military health issues, Colonel Scherb was instrumental in the clarification of the board certification pay statutes to include certain military nurse specialists; establishment of equitable disbursement of incentive special pay for nurse anesthetists; authorization to establish a graduate school of nursing at the Uniformed Services University of the Health Sciences [USUHS]; and authorization to establish a tri-service nursing research program at USUHS.

Her dynamic leadership provided the driving force behind legislation that enabled any qualified officer in the military health system to be appointed as Surgeon General, and promoted the development of leadership opportunities for nurses and other nonphysicians to include command and general officer promotion. Colonel Scherb wrote legislative language enabling the Services to distribute their field grade end-strength equitably ushering in a new era of equality for military medicine. Colonel Scherb actively pursued codification of Army and Air Force chief nurse appointments as general officers. She championed telemedicine initiatives including advanced medical technologies, digitized radiography, computerized patient records, teleconsultation, and remote distance learning.

As a recognized authority on health care, Colonel Scherb's expertise was in constant demand as a speaker and writer. At significant personal sacrifice, she eagerly sought each and every opportunity to advance nursing, and the health care goals and vision of America.

Colonel Scherb is now attending the Army War College. Based on her splendid performance and exceptional leadership while in my office, I am confident that she will excel in this new endeavor.

Colonel Scherb is an officer of whom the military and our Nation can and should be justifiably proud; a unique combination of talent and devotion to duty. I want to personally and publicly acknowledge my sincere appreciation to Colonel Scherb for her dedicated months of exemplary service and to bid her a fond aloha and heartfelt mahalo.●

CONGRATULATING REPUBLIC OF CHINA'S CONGRESSIONAL LIAISON

● Mr. MURKOWSKI. Mr. President, many Senators have come to the floor this week to give tribute to our retiring colleagues as the 104th Congress moves toward adjournment. The end of the congressional session also means that many of our friends in the diplomatic community are moving on to other assignments.

I rise today to say farewell and to congratulate Dr. Lyushun Shen, who has served as head of the Republic of China's Congressional Liaison Division in Washington for many years. In recognition of his good work here, Dr. Shen has been named Director of North American Affairs in the the Ministry of Foreign Affairs and will return to Taipei at the end of this month. This is an extremely important position because he will be responsible for coordinating Taiwan's policies toward the United States, among other things. I am pleased the United States will have a good friend in that position.

My staff and I have had many occasions to work with Lyushun during his tenure in Washington. Whether the issue was one where we disagreed, such as back in the days of fishing disputes between Taiwan and Alaska, or where we agreed, such as allowing a private visit by President Lee to his alma mater, Lyushun has served his country with diligence, professionalism, and a fine sense of humor—an important quality in this town. I also had the chance to observe his fishing skills when he attended my wife's charity fishing tournament this past summer, but I think he should stick with diplomacy.

I am confident that Lyushun will be as successful in his new role as he has been here. And I know our paths will cross again during my travels to Asia. I am certain that my colleagues join me in wishing Lyushun and his family all the best in the coming years.●

AD HOC HEARING ON TOBACCO

● Mr. LAUTENBERG. Mr. President, on September 11, I cochaired with Senator KENNEDY an ad hoc hearing on the problem of teen smoking. We were joined by Senators HARKIN, WELLSTONE, BINGAMAN, and SIMON. Regrettably, we were forced to hold an ad hoc hearing on this pressing public health issue because the Republican leadership refused to hold a regular hearing, despite our many pleas.

Yesterday I entered into the RECORD the testimony of the witnesses from the second panel. Today I am entering the testimony of the witnesses from the third panel which included talk-show host Morton Downey, Jr.; his doctor, Dr. Martin Gordon; former Marlboro man, Alan Landers; and, former cigarette model Janet Sackman.

Mr. President, I ask that the testimony and related materials from the third panel of this ad hoc hearing be printed in the RECORD.

The material follows:

TESTIMONY AT THE AD-HOC TOBACCO HEARING,
U.S. SENATE, SEPTEMBER 11, 1996

STATEMENT OF MORTON DOWNEY, JR.

Mr. Chairman, distinguished Senators, Dr. Martin Gordon, Fellow members of the American Lung Association, Ladies and Gentlemen, I wish I did not belong on this panel of people who have learned first hand the connection between smoking and cancer. Sadly this former smoking fool heads the list.