

[From the Birmingham Post-Herald, Feb. 7, 1996]

#### 20 YEARS OF LEADERSHIP

Twenty years ago, the future looked dim for many small, private liberal arts colleges. Declining enrollments and troubled financial conditions forced many such schools out of existence. Others survived by abandoning much of their distinctiveness through merger into other colleges and universities or becoming taxpayer-funded institutions. People were even questioning whether a liberal arts education still had any value.

Among the colleges in trouble was Birmingham-Southern College. Enrollment was down significantly, the college had a budgetary deficit and the college presidency had changed hands several times in a very short period.

Then, on Feb. 1, 1976, Neal Berte became college president. Under his leadership, the Methodist institution enhanced what were still strong academic programs, rebuilt its finances and reversed the erosion of a tradition of community involvement.

If Berte had done nothing more in the past 20 years than restore Birmingham-Southern's standing as one of the best liberal arts colleges in this part of the country, he would deserve high praise. But as anybody who follows public life in this community must know, he has done much more.

There is hardly a facet of civic life that has not been affected—for the better—by Berte. He holds or has held chairmanships in several organizations. But even more important has been his ability to bring other leaders and potential leaders together in ways that improve Birmingham for all of us. He has been a much-needed catalyst for change.

Anybody seeking an example of what being a leader means need look no farther than the Birmingham-Southern hilltop campus and the office of Neal Berte.

#### REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT FOR CALENDAR YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

#### *To the Congress of the United States:*

In accordance with section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (previously section 360D of the Public Health Service Act), I am submitting the report of the Department of Health and Human Services regarding the administration of the Radiation Control for Health and Safety Act of 1968 during calendar year 1994.

The report recommends the repeal of section 540 of the Federal Food, Drug, and Cosmetic Act that requires the completion of this annual report. All the information found in this report is available to the Congress on a more immediate basis through the Center for Devices and Radiological Health technical reports, the Radiological Health Bulletin, and other publicly available sources. The Agency resources devoted to the preparation of this report could be put to other, better uses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 27, 1996.

#### REPORT ON THE TRADE AGREEMENTS PROGRAM FOR CALENDAR YEAR 1995 AND THE TRADE POLICY AGENDA FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

#### *To the Congress of the United States:*

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1996 Trade Policy Agenda and 1995 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 27, 1996.

#### MESSAGES FROM THE HOUSE

At 10:14 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 158. Joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds.

H. Con. Res. 147. Concurrent resolution authorizing the use of the Capitol Grounds for the fifteenth annual National Peace Officers' Memorial Service.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 158. Joint resolution to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers; to the Committee on Foreign Relations.

#### MEASURES PLACED ON THE CALENDAR

Pursuant to the order of February 9, 1996, the following measure was placed on the calendar:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-2189. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2190. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Secretary of State Determination relative to Israel; to the Committee on Foreign Relations.

EC-2191. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on agency compliance with respect to unfunded mandates reform; to the Committee on Governmental Affairs.

EC-2192. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report relative to cost of travel and privately owned vehicles of federal employees; to the Committee on Governmental Affairs.

EC-2193. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to the implementation of its administrative responsibilities during calendar year 1995; to the Committee on Governmental Affairs.

EC-2194. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2195. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2196. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2197. A communication from the Board Members of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to conform the statute of limitations with respect to the creditability of compensation under that Act to the statute of limitations with respect to the payment under the Railroad Retirement Act and for other purposes; to the Committee on Labor and Human Resources.

EC-2198. A communication from the Secretary of Transportation, Commonwealth of Virginia, transmitting, pursuant to law, the final report on the I-66 HOV-2 Demonstration Project; to the Committee on the Environment and Public Works.

#### 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-523. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

“SENATE CONCURRENT RESOLUTION 1014

“Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

"Whereas, under the United States Constitution, the states are to determine public policy; and

"Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

"Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

"Whereas, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

"Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

"Whereas, these court actions violate the United States Constitution and the legislative process; and

"Whereas, the time has come for the people of this great nation to further define the role of the courts in their review of federal and state laws; and

"Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

"Whereas, the amendment was previously introduced in Congress; and

"Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

"Whereas, the State of Arizona desires that the United States Congress acknowledge and act upon this expression of the intent of the various states without the necessity of those states calling a constitutional convention as authorized in Article V of the Constitution of the United States: Therefore, be it

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

"1. That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes'."

"2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

"3. That the Legislature of the State of Arizona also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

"4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the presiding officer in each house of the legislature in each of the other states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate and to each Member of the Arizona Congressional Delegation."

POM-524. A concurrent resolution adopted by the Legislature of the State of Hawaii to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION No. 14

"Whereas, the Omnibus Budget Reconciliation Act of 1993 signed into law by President Clinton on August 10, 1993, included the

largest tax increase in history: \$115 billion in new taxes and a forty-seven percent increase in income tax rates; and

"Whereas, the income, estate, and gift tax components of the tax increase were retroactive, taking effect on January 1, 1993; and

"Whereas, Treasury Secretary Bentsen has declared that more than one and one-quarter million small businesses will be subject to retroactive taxation despite the administration's claim that the tax increase "only affected the rich"; and

"Whereas, the retroactivity of the Omnibus Budget Reconciliation Act of 1993 is unprecedented in that it became effective during a previous administration—Before President Clinton or the 103rd Congress even took office; and

"Whereas, the passage of the bill resulted in loud public outcry against retroactive taxation; and

"Whereas, retroactive taxation places an unfair and intolerable burden on the American taxpayer; and

"Whereas, retroactive taxation is wrong, it is bad policy, and it is a reprehensible action on the part of the government; now, therefore, be it

*"Resolved by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the Senate concurring.* That the Legislature of the State of Hawaii memorialize the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States that would provide that no federal tax shall be imposed for the period before the date of the enactment of the retroactive tax; and

*"Resolved.* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, Hawaii's Congressional delegation, the Speaker of the House of Representatives, and the Senate President."

POM-525. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION No. 11

"Whereas, in recent years the federal judges, with the support of the United States Supreme Court, have imposed taxes or required the increase of taxes to raise the revenue to support various court orders; and

"Whereas, the judicial branch of government is making more decisions which affect the everyday life of citizens; and

"Whereas, taxation must be the exclusive prerogative of elected representatives and not be subject to imposition by an appointed judiciary; and

"Whereas, attempted judicial preemption in a matter as critical to the welfare of states and the people represented by state legislatures as taxation requires a response; and

"Whereas, the Missouri Legislature has passed a concurrent resolution requesting Congress to propose an amendment to the United States Constitution to restrict the power of the federal courts in this area; and

"Whereas, Colorado, Tennessee, and New York have already joined Missouri in its effort by adopting the identical language demonstrating the solidarity of state legislatures on this issue: Therefore, be it

*"Resolved.* That the Legislature of Louisiana memorializes the Congress of the United States to adopt and propose an amendment to the Constitution of the United States to read as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an

official of such state or political subdivision, to levy or increase taxes.' Be it further

*"Resolved.* That a duly attested copy of this Resolution be immediately transmitted to the president of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress."

POM-526. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION No. 1010

"Whereas, in *Missouri v. Jenkins* (495 U.S. 33, 110 S.Ct. 1691 (1990)), the Supreme Court held that a federal court had the power to order an increase in state and local taxes thereby violating a fundamental tenet of the separation of powers: that members of the federal judiciary, who serve for life and are answerable to no one, should not have control over the power of the purse; and

"Whereas, section 8 of Article I of the Constitution of the United States vests with the legislative branch of government alone the extraordinary power to 'lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States'; and

"Whereas, the courts' action are an intrusion into a legitimate political debate over state spending priorities and not a response to a constitutional directive; and

"Whereas, Justice Kennedy observed in his dissent in *Missouri v. Jenkins* that 'this assertion of judicial power in one of the most sensitive of policy areas, that involving taxation, begins a process that one time could threaten fundamental alteration of the form of government our Constitution embodies'; and

"Whereas, since 1990, when the Supreme Court declared in *Missouri v. Jenkins* that the federal courts have the authority and power to levy and increase taxes, Congress has chosen not to intercede on behalf of the people to protect the democratic process which has been corrupted by the unconstitutional authority and power to tax which the federal courts have exercised; and

"Whereas, the time has come for the people of this great nation, and their duly elected representatives in state government, to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them: Now, therefore, be it

*"Resolved, by the House of Representatives of the Seventy-first legislature of the State of South Dakota, the Senate concurring therein.* That application is hereby made pursuant to Article V of the United States Constitution for an amendment to the Constitution reading substantially as follows: 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes.'; and be it further

*"Resolved.* That this petition constitutes a continuing application in accordance with Article V of the Constitution of the United States; and be it further

*"Resolved.* That this legislative body requests the legislatures of the several states comprising the Union to make similar application to Congress for the purpose of proposing such an amendment to the United States Constitution."

POM-527. A resolution adopted by the Senate of the Legislature of the State of Kansas; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION NO. 1824

"Whereas, improving patient access to quality health care is a paramount national goal; and

"Whereas, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

"Whereas, minimizing the delay between discovery and eventual approval of a new drug, biological product or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

"Whereas, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and limits the right of free speech guaranteed by the First Amendment to the United States Constitution; and

"Whereas, the current rules and practices governing the review of new drugs, biological products and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; Now, therefore, be it

*"Resolved by the Senate of the State of Kansas,* That we respectfully urge the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products and medical devices, without compromising patient safety or product effectiveness; and be it further

*"Resolved,* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation."

POM-528. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the development and approval of new; to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION 18

"Whereas, improving patient access to quality health care is the number one national goal; and

"Whereas, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

"Whereas, two thirds of all new drugs approved in the last six years by the Food and Drug Administration were approved first in other countries with approval of a new drug currently taking 14.8 years; and

"Whereas, the United States has long led the world in discovering new drugs, but too many new medicines first are introduced in other countries, with forty drugs currently approved in one or more foreign countries still in development in the United States or awaiting FDA approval; and

"Whereas, the patient is waiting for the industry to discover and efficiently develop safe and effective new medicines and for the FDA to facilitate the development and approval of safe medicines sooner; and

"Whereas, there is a broad bipartisan consensus that the FDA must be re-engineered to meet the demands of the twenty-first century; and

"Whereas, the current rules and practices governing the review of new drugs, biological

products and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; therefore, be it

*"Resolved by the Legislature of West Virginia:* That this Legislature respectfully urges: the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products and medical devices, without compromising patient safety or product effectiveness; and, be it further

*"Resolved,* That the Clerk of the House of Delegates be hereby directed to transmit appropriate copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the West Virginia Delegation of the Congress."

POM-529. A resolution adopted by the Legislature of the Commonwealth of Puerto Rico; to the Committee on Foreign Relations.

"H.R. 5231

"The House of Representatives, as a body representing the People of Puerto Rico, deems it prudent to express to the Cuban community the indignation of the People of Puerto Rico for those vicious murders and to urge the President and the members of the Congress of the United States of America to take all the measures directed to vindicating the memory of these four people, preventing the strategy of repression of the Cuban government against dissident groups and to attain the establishment of a democratic system of government in Cuba, based on respect for human dignity. Be it

*"Resolved by the House of Representatives of Puerto Rico:*

"SECTION 1. To express the repudiation and indignation of the House of Representatives of Puerto Rico for the cowardly murder of four (4) members of the humanitarian organization "Brothers to Rescue" by the armed forces of the totalitarian regime of Fidel Castro.

"SECTION 2. To urge the President and the members of the Congress of the United States of America to take all the measures needed to prevent the strategy of repression of the Cuban government against dissident groups and to attain the establishment of a democratic system of government in Cuba, based on respect for human dignity.

"SECTION 3. This Resolution shall be translated into the English language and remitted to the President of the United States and to the President and Speaker of both Bodies of the Congress of the United States of America.

"SECTION 4. A copy of this Resolution shall also be remitted to the Ambassadors of the United States of America and of Cuba at the United Nations Organization as well as to the Secretary General of said International Organization.

"SECTION 5. This Resolution shall take effect immediately after its approval."

POM-530. A resolution adopted by the Legislature of the Virgin Islands; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. 1552

"Whereas, in 1968 and 1973, the Congress of the United States found it necessary to enact the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973; and

"Whereas, in considering the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, the Congress of the United States found the following to be true:

"(1) From time to time, flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources.

"(2) Despite the installation of preventive and protective works, and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to adequately protect against growing exposure to future flood losses.

"(3) As a matter of national policy, a reasonable method of sharing the risk of flood losses is through a program of flood insurance which can complement and encourage preventive and protective measures.

"(4) If such a program is initiated and gradually carried out, it can be expanded as knowledge and experience are gained, eventually making flood insurance coverage available on reasonable terms and conditions to persons who have need for such protection.

"(5) Many factors have made it economically difficult for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions.

"(6) A program of flood insurance which includes the large-scale participation of the Federal Government carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated.

"(7) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from floods and mud-slides.

"(8) The nation cannot afford the tragic loss of life caused annually by floods, nor the increasing property losses suffered by flood victims, most of whom are still inadequately compensated despite receiving disaster relief benefits.

"(9) It is in the public interest for persons already living in flood-prone areas to have an opportunity to purchase flood insurance and to have access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future flood disasters"; and

"Whereas, Hurricane Marilyn's high sustained and gusting winds caused the Territory of the United States Virgin Islands to suffer catastrophic damage in the billions of dollars; and also caused the territory to be declared a federal disaster area by President Clinton; and

"Whereas, Hurricane Opal's high sustained and gusting winds have devastated certain areas of the United States gulf coast and the Mexican coast; and

"Whereas, Hurricane Luis which threatened the United States Virgin Islands with Category 4 force winds and resulted in some physical damage to the territory; and

"Whereas, Hurricane Hugo's high sustained and gusting winds devastated the United States Virgin Islands, particularly St. Croix, and South Carolina in 1989, resulting in damage in the billions of dollars; and

"Whereas, Hurricane Andrew's high sustained and gusting winds devastated certain areas of southern Florida in 1992, resulting in damage in the billions of dollars; and

"Whereas, in light of a long history of hurricanes and their accompanying windstorms wreaking death and destruction in the United States, its possessions in the Caribbean sea and in the Pacific; and

"Whereas, the migration of people to coastal areas of the United States, and to its possessions including the U.S. Virgin Islands have increased; and

"Whereas, recent scientific warnings about global warming and its effect on global weather patterns are predicting more frequent and intense hurricane activity; and

"Whereas, the periodic absence of the "El Niño" phenomenon increases the likelihood of the formation of hurricanes; and

"Whereas, the Legislature of the Virgin Islands finds that the history of past hurricane and windstorm activity, and the prospect of increased hurricane and windstorm activity affecting the United States and its possessions (including the U.S. Virgin Islands) present the same, or similar, considerations which led to enactment of the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973; and

"Whereas, the following is from the National Flood Insurance Act:

"(1) Windstorms have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources.

"(2) Installation of preventive and protective works . . . have not been sufficient to protect adequately against growing exposure to future [windstorm] losses.

"(3) As a matter of national policy, a reasonable method of sharing the risk of [windstorm] losses is through a program of [windstorm] insurance.

"(4) If such a program is initiated . . . it can [make windstorm insurance] coverage available on reasonable terms and conditions.

"(5) Many factors have made it uneconomical for the private insurance industry alone to make [windstorm] insurance available to those in need of such protection on reasonable terms and conditions.

"(6) A program of [windstorm] insurance with large-scale participation of the federal government carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated.

"(7) Federal instrumentalities insure or otherwise provide financial protection to banking and credit institutions whose assets include a substantial number of mortgage loans and other indebtedness secured by property exposed to loss and damage from [windstorms].

"(8) The nation cannot afford . . . the increasing losses of property suffered by [windstorm] victims, most of whom are still inadequately compensated despite the provision of costly disaster relief benefits.

"(9) It is in the public interest for persons already living in [windstorm-prone] areas to have both an opportunity to purchase [windstorm] insurance and access to more adequate limits of coverage, so that they will be indemnified for their losses in the event of future [windstorm] disasters." Now, therefore, be it

*"Resolved by the Legislature of the Virgin Islands:*

"SECTION 1. The Legislature of the Virgin Islands, on behalf of the people of the Virgin Islands, respectfully and urgently petitions the United States Congress to establish a National Windstorm Insurance Program, to be patterned after the National Flood Insurance Program.

"SECTION 2. Copies of this resolution shall be forwarded to the President of the United States, each member of the United States Congress, and the Virgin Islands Delegate to Congress. Copies of this resolution shall also be forwarded to the Governor and the Legislature of every state and possession of the United States located in a windstorm-prone area. These various jurisdictions shall be asked to adopt this resolution and to join with the United States Virgin Islands in petitioning Congress to establish a National Windstorm Insurance Program because they would also benefit from such a program."

POM-531. A resolution adopted by the House of the Legislature of the State of Georgia; to the Committee on Energy and Natural Resources.

"H.R. No. 850

"Whereas, a proposal has been made to the United States Congress to sell facilities used by the Southeastern Power Administration (SEPA) which is headquartered in Elbert County, Georgia; and

"Whereas, these facilities, which include nine hydroelectric dams, provide electric power and reservoirs for Georgia; and

"Whereas, all of these facilities, operated by the United States Army Corps of Engineers, also provide the public with needed fish and wildlife resources, municipal, industrial, and agricultural water supplies, flood control, reservoir and downstream recreational uses, and river water level regulation; and

"Whereas, such proposed sale would give too little assurance that these assets will be administered with due consideration to the purposes of the facilities not related to power production, such as water supply, flood control, navigation, recreation, and environmental protection; and

"Whereas, the revenue from the electricity generated by the hydroelectric dams exceeds the retirement obligations of the construction bonds and costs of operation and maintenance for these facilities; and

"Whereas, many Georgians served by these facilities could likely experience significant rate increases in electricity and water as a result of this sale: Now, therefore, be it

*"Resolved by the House of Representatives,* That the members of this body urge the United States Congress to reevaluate the negative impacts of this proposal and avoid any transfer of federal dams, resources, turbines, generators, transmission lines, and related power marketing association facilities. Be it further

*"Resolved,* That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the Speaker of the United States House of Representatives, the presiding officer of the United States Senate, and members of the Georgia congressional delegation."

POM-532. A resolution adopted by the House of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION No. 35

"United States legislation on coasting trade limits the transit of ships between points in the United States, including its territories and possessions, directly or through a foreign port, to ships built and registered in the United States. 46 U.S.C. 883 (1988). Said legislation is applicable not only to the ports of the fifty states, but also to those of the territories and possessions. 46 U.S.C. 887 (1988). The Virgin Islands has been the only territory excluded from the application of this legislation, through an amendment approved in 1936. Ch. 228. 49 Stat. 1207.

"Said legislation is applicable to Puerto Rico since 1900, when, upon the approval of the first organic act (Foraker Act), the Congress provided that the coasting trade between Puerto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States. Furthermore, Puerto Rico constitutes, according to federal coasting trade laws, one of the 'great coasting districts' of the United States. Upon the approval of the Jones Act in 1917, Congress provided that the 'laws on tariffs, customs and taxes on imports to Puerto Rico prescribed

in the Act (Foraker) would continue in effect.' Ch. 145, Section 58, 39 Stat. 968 (1917). This provision maintained the effectiveness of the coasting trade laws, which are still in force.

"Due to our geographic condition as an island, the significantly higher costs of maritime transportation in ships of North American registration and the juridical impossibility of using foreign flag ships, Puerto Rico has always been deprived of the advantages of free competition in the maritime transportation market.

"In the United States, there is a growing awareness that the coasting trade legislation is very inefficient and to a certain extent, obsolete. The benefits derived by the limited maritime sector are comparably inferior to those that would be derived by the total United States economy, through a new scheme of free competition in maritime transportation. Important sectors of the government of the United States have proposed the elimination or modification of coasting trade laws as part of their efforts to eliminate those areas in which there is a waste of resources, bureaucracy and inefficiency.

"In an increasingly interdependent world, Puerto Rico needs greater flexibility to take advantage of the options offered in the international market. To attain greater economic development, it is essential to reduce the dependency on federal transfers and tax privileges which diminish the dignity of the People, individually and collectively, and which represent an undue burden on the government and taxpayers of the United States. One way of achieving this objective is through the exclusion of Puerto Rico from the scope of application of the federal coasting trade laws. This would not be the first time that the Congress excludes a territory from said legislation. In 1936, the Congress excluded the Virgin Islands to stimulate the economy of said territory. See American Maritime Association vs. Blumenthal, 590 F. 2d 1156, 1166-69 (D.C. Cir. 1978). Be it

*"Resolved by the Legislature of Puerto Rico:*

"SECTION 1. The Legislature of the Commonwealth of Puerto Rico requests the Congress of the United States of America that by virtue of its full power to legislate over Puerto Rico under the Territorial Clause of the Federal Constitution, to amend the coasting trade laws to exclude Puerto Rico from the scope of application of said laws. Specifically, it is herein proposed:

"a. that the text of Title 46, Section 293 of the United States Code, in effect be amended to eliminate all reference to Puerto Rico and to integrate the current text of Section 293(a) of that same Title 46, to read as follows: 'The seacoasts and navigable rivers of the United States shall be divided into five great districts; the first to include all the collection districts on the seacoasts and navigable rivers between the northern boundary of the State of Maine and the southern boundary of the State of Texas; the second to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, New York; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the State of Alaska; the fifth to consist of the State of Hawaii';

"b. that the present Section 293(a) of Title 46 of the United States Code be repealed;

"c. that the text of the Federal Merchant Marine Act of 1920, Section 21, 41 Stat. 997, 46 U.S.C. 877, in effect, be amended to add the following text: '. . . and provided further, that the coasting laws of the laws of the United States shall not extend to the Commonwealth of Puerto Rico.'

"d. that Section 9 of the federal Act entitled 'An Act to temporarily provide revenues and a civil government of Puerto Rico, and for other purposes,' of April 12, 1900, Ch. 191, 31 Stat. 79, at present codified as 48 U.S.C. 744, be repealed.

"SECTION 2. A certified copy of this Concurrent Resolution shall be remitted to the members of the Senate and the House of Representatives and to the President of the United States of America, by the Secretaries of both bodies of the Legislature.

"SECTION 3. This Concurrent Resolution shall take effect immediately after its approval."

POM-533. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION No. 30

"Whereas, the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (The Delta) is nationally recognized as both an important feature of the state's environmental and an important component of the state's water supply system; and

"Whereas, the Delta is the single most important source of water for the people, farms, and businesses of this state, providing the water supply for more than two-thirds of all Californians; and

"Whereas, the Delta is home to many aquatic species, including several endangered species; and

"Whereas, it is imperative to maintain the water quality of the Delta; and

"Whereas, it is the policy and the law of the state to protect and use wisely vital natural resources such as the Delta; and

"Whereas, the state has signed a historic accord with the federal government and important state agricultural, urban, and environmental water interests that calls for the development of a comprehensive solution for the environmental, water supply reliability, and water quality problems of the Delta; and

"Whereas, the state, the federal government, and important stakeholder interests have initiated a program known as CAL-FED to develop comprehensive and long-term solutions to the problems of the Delta; and

"Whereas, the CAL-FED program recognizes the need to expand participation to include all impacted parties and the interested public and has established a number of efforts including the Bay Delta Advisory Commission and monthly public workshops to do so; and

"Whereas, the success of the CAL-FED program is vital to the environmental and economic well-being of the state; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the President of the United States and the Governor of California to commit to the CAL-FED program the necessary support to ensure the program's success in achieving a comprehensive solution to the problems in the Delta; and be it further

*"Resolved,* That the Legislature of the State of California encourages the people and entities involved in the CAL-FED program to coordinate the development of policies that will lead to comprehensive, economically viable and environmentally compatible solutions for the Delta and which may include proposed changes to state and federal law in support of those solutions; and be it further

*"Resolved,* That the Legislature of the State of California requests the manager of the CAL-FED program to submit to the Legislature a semiannual report on January 1

and July 1 of each year, regarding the progress CAL-FED has made towards achieving comprehensive and long-term solutions to the problems of the Delta; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Governor."

POM-534. A resolution adopted by the Senate of the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"SENATE RESOLVE No. 5

"Whereas the Alaska National Interest Lands Conservation Act (ANILCA), P.L. 96-487, was intended by its framers to fully settle the status of all federal land in Alaska and therefore provide much needed stability for the benefit of all businesses and citizens of the State of Alaska; and

"Whereas two areas of extreme importance to Alaska in ANILCA were

"(1) Title XI, which provided a mechanism to gain a right of access across Conservation System Units that were created as part of ANILCA; and

"(2) Secs. 101d and 1326b of ANILCA which prohibited the creation of new Conservation System Units in Alaska; and

"Whereas Title XI of ANILCA was specifically included to provide assured, reasonable, and timely access across the patchwork of federal Conservation System Units in Alaska but has been administered by the federal government in such a manner as to amount to no more than useless rhetoric; and

"Whereas secs. 101d and 1326b of ANILCA were included to assure no further land withdrawals from multiple use from the federal land base in Alaska, but these provisions have also been ignored by the federal government since the passage of ANILCA; and

"Whereas these two areas of extreme importance have been ignored by the federal government with the end result negatively affecting citizens and businesses in Alaska; and

"Whereas Alaska has the ability to request land exchanges under secs. 103b and 1302h of ANILCA of land now known to contain high resource values that have been arbitrarily withdrawn from multiple use of ANILCA; be it

*"Resolved,* That the Alaska State Senate respectfully requests that the federal government live up to the true intent of the Alaska National Interest Lands Conservation Act in all issues of access, and creation of additional Conservation System Units, and fully support exchanges of high resource value land with Alaska to enable Alaska to establish greater economic and infrastructure opportunities for the people of the state."

POM-535. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"LEGISLATIVE RESOLVE No. 7

"Whereas the founding fathers of this nation recognized that land is power and that a centralized federal government with a substantial land base would eventually overwhelm the states and pose a threat to the freedom of the individual; and

"Whereas the original 13 colonies and the next five states admitted to the Union were granted fee title to all land within their borders; and

"Whereas all but two states admitted to the Union since 1802 were denied the same rights of land ownership granted the states admitted earlier; and

"Whereas art. I, sec. 8, of the Constitution of the United States of America makes no provision for land ownership by the federal government, other than by purchase from the states of land '... for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings'; and

"Whereas acting contrary to the provisions of art. I, sec. 8, of the Constitution of the United States, the federal government withheld property from the states admitted since 1802, making them land poor and unable to determine their own land use and development policies; and

"Whereas this action has made those states admitted since 1802 unequal to other states and subject to unwarranted federal control; and

"Whereas restoration of property to which they are historically and constitutionally entitled would empower the land poor states to determine their own land use policies; be it

*"Resolved,* That the Alaska State Legislature urges the 104th Congress of the United States to right the wrong and to transfer to the states, by fee title, any federally controlled property currently held within the states admitted to the Union since 1802; and be it further

*"Resolved,* That the Congress is urged to then purchase from the newly empowered States land needed to meet the provision of art. I, sec. 8, United States Constitution."

POM-536. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION No. 35

"Whereas, more than 50 years have elapsed since the Imperial Navy of Japan launched its surprise attack on the United States Naval Installation at Pearl Harbor, Hawaii; and

"Whereas, in the early morning of Sunday, December 7, 1941, the forces of the Imperial Navy of Japan under the command of Vice Admiral Chuichi Nagumo attacked the installations of the United States Pacific Fleet at Pearl Harbor, Hawaii; and

"Whereas, the Japanese forces were formidable, and consisted of 6 aircraft carriers, 2 battleships, 2 heavy cruisers, 11 destroyers, 360 aircraft, and various other vessels; and

"Whereas, during the 2-hour attack by the Japanese 2,330 United States military personnel were killed and 1,145 were wounded, and 100 civilians were killed or wounded; and

"Whereas, the United States Pacific Fleet in Pearl Harbor that morning included 94 Navy ships most of which were moored for the weekend; and

"Whereas, of the 94 ships, 70 were combat vessels, and 24 were auxiliary vessels; and

"Whereas, during the attack by the Japanese all 8 of the battleships in the harbor were hit, 5 were sunk, and one was severely damaged, several cruisers were damaged, 2 destroyers were sunk, and 9 other ships were sunk or severely damaged; and

"Whereas, of the 300 United States Army and Navy airplanes on Oahu that morning, the Japanese destroyed 140 and damaged 80, most of which were attacked on the ground, and the attack heavily damaged 6 Oahu air bases; and

"Whereas, the 3 Pacific Fleet aircraft carriers stationed at Pearl Harbor were fortunately not in the harbor at the time of the attack and thus escaped damage; and

"Whereas, that attack was a severe blow to the Pacific defenses of the United States and brought the United States into World War II as an active participant and marked the commencement of what was to become the greatest series of naval engagements in history, first to halt the expansion of the Japanese Imperial Forces, then to rout them from their entrenched positions; and

"Whereas, although a Pearl Harbor Memorial was erected above the sunken Battleship U.S.S. Arizona in Pearl Harbor, it is fitting and appropriate that an additional memorial be constructed in Washington, D.C. memorializing the great sacrifice made by those Americans who perished at the hands of the Japanese in that surprise attack; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take every action necessary to ensure the construction, dedication, and maintenance of a Pearl Harbor Memorial in a suitable place of honor in Washington, D.C.; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment:

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for seven years, and for other purposes (Rept. No. 104-244).

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1224. A bill to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes (Rept. No. 104-245).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 42. A concurrent resolution concerning the emancipation of the Iranian Baha'i community.

By Mr. SPECTER, from the Select Committee on Intelligence:

Special Report entitled "Capability of the United States to Monitor Compliance with the Start II Treaty" (Rept. No. 104-246).

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation. (New Position.)

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade.

Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years. (Reappointment.)

Laurence H. Meyer, of Missouri, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from 2/1/88.

Alice M. Rivlin, of Pennsylvania, to be a Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

Alice M. Rivlin, of Pennsylvania, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1996.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Lawrence Neal Benedict, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Alfred C. DeCotiis, of New Jersey, to be a Representative of the United States of America to the fiftieth Session of the General Assembly of the United Nations.

Ernest G. Green, of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2001, (Reappointment.)

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Henry McKoy, of North Carolina, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2002, vice William H.G. Fitzgerald, term expired.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period: J. Stapleton Roy, of Pennsylvania.

Lottie Lee Shackelford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998, (Reappointment.)

David H. Shinn, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of The Comoros.

Mr. HELMS, Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in prior the CONGRESSIONAL RECORDS of March 6 and March 18, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Suzanne K. Hale, of Virginia.

Frank J. Pison, of New Jersey.

The following-named Career Members of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Lloyd J. Fleck, of Tennessee.

James D. Grueff, of Maryland.

Thomas A. Hamby, of Tennessee.

Peter O. Kurz, of Maryland.

Kenneth J. Roberts, of Minnesota.

Robert J. Wicks, of Virginia.

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class One, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

#### DEPARTMENT OF STATE

Alfred Thomas Clark, of California.

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Mahlon Atkinson Barash, of Virginia.

Donald Allen Drga, of Texas.

Richard Jay Gold, of Virginia.

#### DEPARTMENT OF STATE

Barbara S. Aycock, of the District of Columbia.

Dana M. Weant, of Washington.

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

Christine Adamczyk, of Michigan.

Syed A. Ali, of Florida.

Todd Hanson Amani, of Maryland.

R. Douglass Arbuckle, of Florida.

David Chapmann Atteberry, of Texas.

E. Jed Barton, of Nevada.

Barbara L. Belding, of California.

Scott H. Bellows, of South Carolina.

Aleksandra Elizabeth Braginski, of the District of Columbia.

Robert F. Cunnane, of Washington.

Thomas R. Delaney, of Pennsylvania.

Thomas A. Egan, of Washington.

Branden W. Enroth, of Delaware.

Theodore Victor Gehr, of Oregon.

Lawrence Hardy II, of Washington.

Laura Anne Kearns, of Georgia.

Carol Bruce Kiranbay, of Virginia.

Charles G. Knight, of Virginia.

Charles Eric North, of Maryland.

Patricia O'Connor, of California.

Beth S. Paige, of Texas.

Andrew William Plitt, of Texas.

Mark M. Powdermaker, of Washington.

Alan I. Reed, of Washington.

William Earl Reynolds, of Montana.

Scott M. Taylor, of California.

Jill Jacqueline Thompson, of Texas.

#### DEPARTMENT OF AGRICULTURE

Margaret M. Bauer, of Virginia.

Michael L. Conlon, of Michigan.

Catherine M. Sloop, of Washington.

Margaret E. Thursland, of Virginia.

Dennis B. Voboril, of Kansas.

David J. Williams, of West Virginia.

#### DEPARTMENT OF STATE

Kevin Blackstone, of New York.

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America: