

(B) the ability of shareholders to have proposals relating to corporate practices and social issues included as part of proxy statements.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1), together with any recommendations for regulatory or legislative changes that it considers necessary to improve shareholder access to proxy statements.

(c) PREFERENCING.—

(1) STUDY.—The Commission shall conduct a study of the impact on investors and the national market system of the practice known as “preferencing” on one or more registered securities exchanges, including consideration of—

(A) how preferencing impacts—

(i) the execution prices received by retail securities customers whose orders are preferred; and

(ii) the ability of retail securities customers in all markets to obtain executions of their limit orders in preferred securities; and

(B) the costs of preferencing to such customers.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(3) DEFINITION.—For purposes of this subsection, the term “preferencing” refers to the practice of a broker acting as a dealer on a national securities exchange, directing the orders of customers to buy or sell securities to itself for execution under rules that permit the broker to take priority in execution over same-priced orders or quotations entered prior in time.

MARK O. HATFIELD UNITED STATES COURTHOUSE

The text of the bill (S. 1636) to designate the United States Courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the “Mark O. Hatfield United States Courthouse,” and for other purposes, as passed by the Senate on June 27, 1996, is as follows:

S. 1636

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

SECTION 1. DESIGNATION OF MARK O. HATFIELD UNITED STATES COURTHOUSE.

The United States Courthouse under construction at 1030 Southwest 3rd Avenue in Portland, Oregon, shall be known and designated as the “Mark O. Hatfield United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the “Mark O. Hatfield United States Courthouse”.

SEC. 3. EXTENSION OF FDR MEMORIAL MEMBER TERMS.

The first section of the Act entitled “An Act to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt”, approved August 11, 1955 (69 Stat. 694) is amended by adding at the end thereof the following: “A Commissioner who ceases to be a Member of the Senate or the House of Representatives may, with the approval of the appointing authority, continue to serve as a Commissioner for a period of up

to one year after he or she ceases to be a Member of the Senate or the House of Representatives.”.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on January 3, 1997.

COMPLIMENTS TO THE MAJORITY LEADER AND MANAGERS OF THE BILL

Mr. NICKLES. Mr. President, at the conclusion of this week, I compliment the majority leader, Senator LOTT, for his leadership and tireless efforts to get a lot of things moving. After a long week, a lot of work was done to complete, for all practical purposes, the Department of Defense bill, which we will be voting on early when we return.

Also, I wish to compliment Senator DASCHLE and Senator NUNN, as well as Senator THURMOND, Senator McCain, and Senator WARNER for their leadership in passing this very important bill. They have put in a lot of effort and time in the last couple of days. Some were wondering whether or not we would be able to pass the bill.

In addition, I compliment the majority leader, because during the process this week, he was able to break the logjam on the minimum wage bill. Again, that was one that we have been wrestling with for a long time, and we will be voting on that when we return for debate on July 8 and a vote on the July 9, as well as action on the TEAM bill. I compliment him on that.

It is a little disappointing that we have not yet made greater progress on the so-called health bill, the Kassebaum-Kennedy bill. As a matter of fact, there has been an objection placed by Democrat Members on appointing conferees. That is very unusual. It has been 40 some days now that they have opposed appointing conferees on that piece of legislation. I hope they will reconsider. I heard Senator KENNEDY speaking on that earlier today. He was critical of the medical savings accounts provisions. I think we made a very generous offer on medical savings accounts. Hopefully, that will be resolved and we can complete action on that bill which will solve a lot of problems for preexisting illnesses and coverage for small business, allowing deductibility. That is important legislation that is broadly supported by Congress. Hopefully, we will have appointees and go to conference.

By and large, I compliment the majority leader. He has had a very active and successful week.

EXECUTIVE SESSION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate go into executive session to consider calendar No. 563, the nomination of Christopher Hill; that the Senate proceed to a vote on the nomination, and following the vote, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative session.

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

The nomination was considered and confirmed, as follows:

Christopher Robert Hill, of Rhode Island, 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 former Yugoslav Republic of Macedonia.

Mr. NICKLES. Mr. President, I announce for the benefit of the Senate that the Senator from Kentucky, Senator McCONNELL, votes in the negative on the confirmation of Mr. Hill, and I ask that his statement be placed in the RECORD at this point as if read.

Mr. McCONNELL. Mr. President, for several months, I have tried to get a straight answer from the administration on the legal justification for the deployment of United States troops under United Nations' command in Macedonia. While the soldiers have a mission, I do not believe they have a clear, legal mandate.

The question of our involvement in Macedonia was first brought to my attention by Ron Ray, a constituent of mine who is representing Michael New. Apparently, Michael New asked his commanding officer to provide some explanation as to why an American Army specialist was being asked to wear a U.N. uniform and deploy to Macedonia under the U.N. flag.

In a recent hearing with Ambassador Madeline Albright, usually one of the more plain spoken members of the President's foreign policy team, we reviewed the procedures for deploying American troops under the U.N. flag. She offered the view that while there were clear guidelines defining chapter VII deployments, using chapter VI to justify a mission had evolved as a matter of U.N. custom and tradition.

Since 1948, 27 peace operations have been authorized by the U.N. Security Council. In addition to being authorized by a specific chapter of the U.N. Charter, U.S. troop deployments must be authorized consistent with U.S. legal requirements spelled out in the United Nations Participation Act.

In July 1993, President Clinton wrote the Congress stating,

U.N. Security Council Resolution 795 established the UNPROFOR Macedonia mission under a chapter VI of the U.N. Charter and UNPROFOR Macedonia is a peacekeeping force under chapter VI of the Charter.

But this assertion is not substantiated by the record of resolutions and reports passed by the United Nations.

Between 1991 and the end of 1995, the United Nations passed 97 Security Council resolutions related to the former Yugoslavia. In addition, 13 reports were issued by to U.N. Secretary General relative to the mandate of the UNPROFOR Macedonia operation. None of these resolutions or reports mention a chapter VI mandate for Macedonia. In fact, there are 27 resolutions which specifically refer to UNPROFOR, which includes Macedonia, as chapter

VII. It is worth pointing to just one of these resolutions which states that the U.N. Security Council was:

Determined to ensure the security of UNPROFOR and its freedom of movement for all its missions (i.e. Macedonia) and to these ends was acting under chapter VII of the charter of the United Nations.

In spite of the record, the administration continues to insist that Macedonia is a chapter VI operation. When I asked them to document this determination, I was provided the following guidance by the Acting Assistant Secretary of State:

The U.N. Charter authority underlying the mandate of a U.N. peace operation depends on an interpretation of the relevant resolutions of the U.N. Security Council. As a matter of tradition, the Security Council explicitly refers to a "chapter VII" when it authorizes an enforcement operation under that chapter. The absence of a reference to chapter VII in a resolution authorizing or establishing a peacekeeping operation thus indicates that the operation is not considered by the Security Council to be an enforcement operation. Neither does the Security Council refer explicitly to "chapter VI" in its resolutions pertaining to peacekeeping operations. This practice evolved over time as a means for the Security Council to develop practical responses to problems without unnecessarily invoking the full panoply of provisions regarding the use of force under chapter VII, and without triggering other Charter provisions that might impede Member States on the Security Council if chapter VI were referenced.

In essence, what this explanation means is U.S. troops can be deployed in harm's way as a matter of U.N. tradition rather than U.S. law. It means U.S. soldiers are deployed in a combat zone with an absence of reference to the actual legal mandate because the U.N. Security Council does not want to refer explicitly to chapter VI due to a reluctance to inconvenience Member states on the Security Council.

Mr. President, let me try to add a little clarity to just what the Acting Assistant Secretary means when stating the administration does not want to invoke a panoply of provisions regarding the use of force. In simple English, when a chapter VII mission is authorized by the United Nations, U.S. law requires the operation to be approved by the Congress. In simple terms, the State Department is using a chapter VI designation to avoid having to come to the Congress to justify the financial and military burden the United States has assumed in Macedonia.

What the State Department calls a panoply of provisions problem, I call surrendering U.S. interests to U.N. command. This is not the first time Congress has been circumvented. I had hoped the administration had learned from our experience in Somalia. I had hoped the tragic loss of life would help the President understand the value and importance of a full congressional debate and approval of the merits of deploying American soldiers overseas into hostile conditions. Apparently, the lesson is lost on this administration. When the United Nations calls,

we send our young men and women to serve.

Mr. President, I have taken the time to review the circumstances of our military involvement in Macedonia, in order to explain my vote against Chris Hill, the President's nominee to be our Ambassador. While I have no objection to Mr. Hill personally, I intend to vote against his nomination as a matter of principle—to express my strong opposition to what I view as an unjustified U.N. mission with a questionable legal mandate that is risking the lives of American soldiers.

I understand that a majority of members expressed their desire to move forward with this and several other nominations, and that the majority leader would like to accommodate these requests. I very much appreciate his offering those of us who oppose the administration's continued blind pursuit of a misguided U.N. agenda the opportunity to express our opposition through this vote.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MOLLIE BEATTIE WILDERNESS AREA ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1899, and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1899) entitled the Mollie Beattie Wilderness Area Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4434

(Purpose: To amend S. 1899)

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. MURKOWSKI, for himself, Mr. JEFFORDS, and Mr. GRAHAM, proposes an amendment numbered 4434.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"Section 702(3) of Public Law 94-487 is amended by striking "Arctic National Wildlife Refuge Wilderness" and inserting "Mol-

lie Beattie Wilderness". The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness."

Mr. JOHNSTON. Mr. President, like many of my colleagues, I rise to express my profound sadness concerning the death last night of Mollie Beattie. Until a few weeks ago, Mollie had served the Nation as the Director of the U.S. Fish and Wildlife Service. Ms. Beattie, who was the Service's first female Director, was a very warm and talented public servant. She had a gift for working with people and was interested in solving problems; two traits that are all too rare in these days of partisanship and confrontation. She was also a knowledgeable and hard working professional who put her considerable training and expertise to work every day in dealing with the many complex issues facing the Fish and Wildlife Service.

Ms. Beattie's dedication to her work went beyond the norm, as evidenced by her willingness to support new and exciting concepts for fish and wildlife protection. Just last year, she traveled to Louisiana for a ground-breaking ceremony on the research center for endangered species, the ACRES facility, which was dedicated earlier this month at the Audubon Institute in New Orleans. The facility is dedicated to using the latest reproductive technology to help stem the rising tide of extinction among the world's most threatened animals. Her support was essential to making this effort a reality.

Mollie was well liked by all who knew her, even those who did not always agree with her on policy matters or her efforts to promote the views of the Department of the Interior, because she reminded us that people in public service can disagree without being disagreeable. That is a good lesson for all of us to think about, Mr. President, as we remember Mollie and mourn her loss.

My thoughts and prayers, and those of my colleagues, are with Mollie's family and friends.

Mr. KEMPTHORNE. Mr. President, I am saddened to hear that Mollie Beattie died last night after a year-long battle against brain cancer. Mollie was the first female Director of the U.S. Fish and Wildlife Service and served in that position until earlier this month. I wish to offer my condolences to her husband Rick Schwolsky of Grafton, VT, and to her mother, Patricia Beattie and sister, Jane Beattie, both of Ketchum, ID.

I appreciated Mollie's honesty and candor with me and my staff, whether in public hearings before a committee or in a private meeting in my office. All of my experiences with Mollie were positive. While we didn't always approach a situation from the same perspective, we shared the common goal of doing what is right for species and people.