

the resolution be printed in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 278) and its preamble are as follows:

S. RES. 278

Whereas, in the case of *State of Florida v. Kathleen Bush*, Case No. 96-6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida v. Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida v. Kathleen Bush*.

#### PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 248 received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 248) to amend the Public Health Service Act to provide for the conduct, expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

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

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

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 248) was deemed to have been read three times and passed.

#### DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS

Mr. GORTON. I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1757 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1757) to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes.

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

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

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1757) was deemed to have been read three times and passed, as follows:

S. 1757

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996".

#### SEC. 2. REAUTHORIZATION OF ALLOTMENTS FOR STATES.

Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

#### SEC. 3. REAUTHORIZATION OF AUTHORITIES RELATING TO PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

#### SEC. 4. REAUTHORIZATION OF AUTHORITIES RELATING TO UNIVERSITY AFFILIATED PROGRAM.

Section 156(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6066(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

#### SEC. 5. REAUTHORIZATION OF AUTHORITIES RELATING TO PROJECTS OF NATIONAL SIGNIFICANCE.

Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking "the fiscal years 1995 and 1996" and inserting "the fiscal years 1995 through 1999".

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Exec-

utive Calendar: No. 590, the nomination of W. Craig Broadwater, of West Virginia, to be U.S. district judge for the Northern District of West Virginia; No. 681, Andrew Effron, to be a judge of the U.S. Court of Appeals for the Armed Forces.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

W. Craig Broadwater, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

#### STATEMENT ON NOMINATION OF CRAIG BROADWATER

Mr. BYRD. Mr. President, during my years as a United States Senator, I have had the opportunity to speak in support of the confirmation of many outstanding West Virginians who have sought to serve on our Federal judiciary. On this occasion, I am pleased to urge my colleagues to swiftly confirm W. Craig Broadwater to serve as a Federal District Judge for the Northern District of West Virginia.

Since 1983, Craig Broadwater has served on the First Judicial Circuit of West Virginia, most recently as Chief Judge. His path to the state judiciary included experience with a general law practice, service as a special prosecuting attorney, and a stint as a hearing examiner for state government.

Craig Broadwater has also demonstrated a special concern for children and families in distress. He chaired the Committee formed to develop child abuse and neglect rules for the West Virginia Supreme Court of Appeals, as well as guidelines for family law masters in West Virginia. He has written articles and taught on the subject of domestic violence and prevention, and he is widely regarded and respected for the expertise and sensitivity he has demonstrated in this particularly poignant area of the law.

After graduating Phi Beta Kappa from West Virginia University in 1972, Craig Broadwater entered the United States Army and even today continues to serve his country as a Lieutenant Colonel in the West Virginia Army National Guard.

Mr. President, I am proud to lend my support to this exceptional West Virginian. I believe Craig Broadwater's experience, keen legal mind, and personal integrity embody the qualities envisioned by the first Senate when the Judiciary Act created the third branch of Government. I am confident these talents will serve him well on the Federal bench.

Mr. ROCKEFELLER. Mr. President, I am proud to recommend a very distinguished West Virginian be confirmed today to the post of Federal district judge for northern West Virginia. I'm honored to have joined with my senior colleague, Senator BYRD, in recommending that the President present this nomination.

Senator BYRD and I have recommended Judge Craig Broadwater to this important post because he represents the very best of our State. He is the perfect blend of talent, energy, strength, and commitment to his fellow human beings—and, Mr. President, his life and his career are evidence of this fact.

I had the privilege of appointing Judge Broadwater to the West Virginia First Judicial Circuit in 1993, when I was Governor. He was thereafter elected to the post in 1984. Since then, he was rated by the West Virginia State Bar as the No. 1 judge in the circuit, became chairman of the West Virginia Judicial Investigation Commission, and then chief judge for the first circuit in 1987, 1988, and 1995. To fully appreciate this remarkable man, you need to understand that Judge Broadwater is only 45 years old, and he has already had a outstanding judicial career.

Craig's career is rooted in a lifetime of incredible service to this country and his community. Craig was born and raised in Paden City, WV, along the Ohio River. He graduated magna cum laude, Phi Beta Kappa, and was a Distinguished Military Graduate, Army ROTC, from West Virginia University in 1972. He received his law degree from West Virginia University in 1977.

He served in the U.S. Army as a second lieutenant, from 1972 to 1974, and is still an active reservist in the West Virginia Army National Guard. He has been awarded a Special Forces tab, master parachutist badge, Meritorious Service Medal, Army Commendation Medal, Armed Forces Expeditionary Medal for Korea in 1973 and 1974, the Humanitarian Service Medal, and the West Virginia Emergency Service Medal.

Yet, I also know that Judge Broadwater may be most proud of his outstanding record on behalf of West Virginia's children. He has been a great leader in our State in the area of child abuse and neglect laws and has been a

longtime member of the executive board of the Boy Scouts of America.

I am also fortunate to know Craig's family—his wife, Chong, two beautiful daughters, Chandra and Taeja, and son, Shane. They, too, are testament to his deep commitment and values.

Everywhere you turn in our State's northern panhandle, you see the imprint of Judge Broadwater's intellect and commitment. He knows the importance of family. A close examination of his record as a judge will reveal a very tough, yet fair man, whose life experience have prepared him to sit on the Federal bench as a judge before his fellow citizens.

Mr. President, Senator J. William Fulbright said in 1961:

It is not our affluence, or our plumbing, or our clogged freeways that grip the imagination of others. Rather, it is the values upon which our system is built. These values imply our adherence not only to liberty and individual freedom, but also to international peace, law and order and constructive social purpose. When we depart from these values, we do so at our own peril.

Every American, and certainly every West Virginia, should be comfortable knowing that Craig Broadwater and the values upon which his life has been built will be a part of our judicial system. As his U.S. Senator and his friend, I'm proud to recommend his confirmation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. GORTON. I ask unanimous consent that notwithstanding the adjournment of the Senate today, Senators have until the hour of 1 p.m. in order to file first-degree amendments to the defense appropriations bill. I further ask that the RECORD remain open until 1 p.m. to allow Senators to submit statements.

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

#### PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate

will shortly adjourn over until 9 a.m. on Tuesday, July 16. There will be no session of the Senate on Monday. When the Senate reconvenes on Tuesday, in accordance with the provisions of rule XXII, a live quorum will begin at 10, and upon the establishment of the quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect a rollcall vote to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate would be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill.

I announce to all of my colleagues that I hope next week we will receive the cooperation of all Members in allowing the Senate to move forward with both of these issues.

#### ADJOURNMENT UNTIL 9 A.M., TUESDAY, JULY 16, 1996

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:48 p.m., adjourned until Tuesday, July 16, 1996, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 12, 1996:

##### NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE.

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2001, VICE IVAN SELIN, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 1996:

##### THE JUDICIARY

ANDREW S. EFFRON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

W. CRAIG BROADWATER, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.