

S. 1456. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Play Hard*, and for other purposes.

S. 1457. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shogun*, and for other purposes.

S. 1545. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Moonraker*, and for other purposes.

S. 1566. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marsh Grass Too*.

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso*.

S. 1631. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Extreme*, and for other purposes.

The following reports of committees were submitted on July 29, 1996:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1873. A bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes (Rept. No. 104-336).

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

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104-337).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes (Rept. No. 104-338).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1998. A bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corporation and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. BYRD, Mr. HELMS, Mr. COATS, Mr. FAIRCLOTH, Mr. INHOFE, Mr. LOTT, Mr. MCCONNELL, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THURMOND, Mr. WARNER, Mr. ASHCROFT, Mr. BENNETT, Mr. FRIST, Mr. GREGG, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. STEVENS, and Mr. GORTON):

S. 1999. A bill to define and protect the institution marriage; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself and Mrs. FEINSTEIN):

S. Res. 285. A resolution expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia; to the Committee on Foreign Relations.

By Mr. MOYNIHAN:

S. Con. Res. 67. A concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1998. A bill to provide for expedited negotiations between the Secretary of the Interior and the villages of Chickaloon-Moose Creek Native Association, Inc., Ninilichik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corp., and Knikatnu, Inc. regarding the conveyances of certain lands in Alaska Under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

##### THE ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT ACT OF 1996

• Mr. MURKOWSKI. Mr. President, today I introduce legislation on behalf of myself and Senator STEVENS. This legislation is intended to help facilitate a settlement regarding a complex land dispute between five Native Alaskan villages and the Department of the Interior.

Mr. President, the villages of Chickaloon-Moose Creek, Ninilichik, Seldovia, Tyonek, and Knikatnu selected lands over 20 years ago pursuant to the Alaska Native Claims Settlement Act (ANCSA) along the shores of what would later become Lake Clark National Park and on the western coast of Cook Inlet. These five villages later relinquished many of their original selections so that the Department could consolidate their holdings and preserve valuable lake frontage to create the Lake Clark National Park in 1980. Without the relinquishment of the village's original land selections Lake Clark National Park may never have become a reality.

In return for the relinquishment of their original selections, the villages were offered other lands on the western coast of Cook Inlet. Because there were five villages, the DOI worked with the villages to create different "rounds" of selections. This process would ensure that no one village would receive all the high or low priority selections being offered in the new lands. These

rounds were similar to the way the NFL conducts its draft.

After the villages made their selections, with the assistance of the Bureau of Land Management (BLM), the selections were then rejected by the BLM because they were not "compact and contiguous" as required by ANCSA. This resulted in a deficiency conveyance agreement which divided the village selections in Cook Inlet into two appendices—appendix A, and appendix C. When the villages signed their agreement they were continuously assured by the BLM that their selection rounds would remain intact thereby preserving their highest priority land selections. Indeed, correspondence over the years from the Department of the Interior indicates that this was the case.

However, now the DOI claims that none of the appendix C lands could be transferred until all appendix A lands have been conveyed. If allowed to continue this would result in the Native villages not receiving their priority selections under ANCSA.

It is ironic that it was village corporations who gave up their selections so that the Department could create Lake Clark National Park and now the DOI is blocking the villages right to select lands they originally assisted in selecting by saying it would threaten Lake Clark National Park.

The legislation I am introducing today is a fair compromise to this problem. In short the legislation would:

Require the Secretary to enter into expedited negotiations with the village corporations for the purpose of resolving their remaining land entitlement issues with either the lands in dispute or other lands in Alaska;

For any village with which the Secretary reaches agreement he must implement the agreement within 90 days and the issue is then resolved;

For any of the villages with which the Secretary fails to reach agreement within 180 days, the Secretary must convey to that village 50 percent of the lands they selected, in the order of their selection by priority rounds;

For any of the five villages that still have remaining acreage in their land entitlements, the Secretary must continue to negotiate with them and report back to Congress on the status of these negotiations;

Lastly, the legislation will preserve the village's right to pursue the issue through the judicial system.

Mr. President, this legislation is fair and balanced. Each of the two parties involved have the opportunity to resolve the issue in an amicable way where both can walk away with positive results. Failing to accomplish this, each party then only gets half of what they want.

I would like to point out that, regardless of the rhetoric coming from opponents of this legislation, these selected lands are not part of Lake Clark National Park.

I understand the DOI may oppose this legislation. I would like to inform the Department of the Interior that I am opposed to them making Alaska Natives wait 20 years for their promised land conveyances.●

By Mr. NICKLES (for himself, Mr. BYRD, Mr. HELMS, Mr. COATS, Mr. FAIRCLOTH, Mr. INHOFE, Mr. LOTT, Mr. MCCONNELL, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THURMOND, Mr. WARNER, Mr. ASHCROFT, Mr. BENNETT, Mr. FRIST, Mr. GREGG, Mr. KYL, Mr. BURNS, Mr. GRAMM, Mr. STEVENS, and Mr. GORTON):

S. 1999. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

#### THE DEFENSE OF MARRIAGE ACT

Mr. NICKLES. Mr. President, today I am reintroducing a bill called the Defense of Marriage Act. This bill does just two things. It defines the words "marriage" and "spouse" for purposes of Federal law and it says that no State shall be required to give effect to a law of any other State with respect to a same-sex marriage.

This bill is a simple bill. It is based on common understandings rooted in our nation's history. It merely reaffirms what each Congress and every executive agency have meant for 200 years when using the words "marriage" and "spouse". That is, that a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a person of the opposite sex who is a husband or a wife. The current United States Code does not contain a definition of marriage, presumably because most Americans know what it means. Therefore, the definition of marriage in this bill comes from well-established case law. The meaning of spouse is taken from language already in the U.S. Code.

This bill also does not change State law. It allows each State to decide for itself with respect to same-sex "marriage". It does this by exercising Congress's powers under the Constitution to legislate with respect to the full faith and credit clause. It provides that a State shall be required to give effect to any public act of any other State respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State. Congress has most recently legislated in a similar fashion with respect to full faith and credit in 1994 when it enacted the Full Faith and Credit for Child Support Orders Act and the Safe Homes for Women Act.

This bill simply says that marriage is the legal union between one man and one woman as husband and wife, and a spouse is a husband or wife of the opposite sex. There is nothing earth-shattering there. No breaking of new ground. No setting of new precedents. No revocation of rights.

The Defense of Marriage Act is necessary for several reasons. In May of 1993, the Hawaii Supreme Court ren-

dered a preliminary ruling in favor of three same-sex couples applying for marriage licenses. The court said the marriage law was discriminatory and violated their rights under the equal-rights clause of the State constitution. Many States are concerned that another State's recognition of same-sex marriages will compromise their own laws prohibiting such marriages. Legislators in over 30 States have introduced bills to deny recognition to same-sex unions. Fifteen States already have approved such laws, and many other States are now grappling with the issue—including Hawaii, where legislative leaders are fighting to block their own courts from sanctioning such marriages. This bill would address this issue head-on, and it would allow each State to make the final determination for itself.

Another reason this bill is needed now, concerns Federal benefits. The Federal Government extends benefits, rights and privileges to persons who are married, and generally it accepts a State's definition of marriage. This bill will help the Federal Government defend its own traditional and common-sense definitions of "marriage" and "spouse". If, for example, Hawaii gives new meanings to the words "marriage" and "spouse", the reverberation may be felt throughout the Federal code unless this bill is enacted. For instance, a redefinition in Hawaii could create demands for veterans' benefits for same-sex spouses.

Let me cite an example. In the 1970's, Richard Baker, a male, demanded increased veterans' educational benefits because he claimed James McConnell, another male, as his dependent spouse. When the Veterans Administration turned him down, he sued, and the outcome turned on a Federal statute that made eligibility for the benefits contingent on the State's definition of "spouse" and "marriage". The Federal courts rejected the claim for added benefits because the State supreme Court had already determined that in Minnesota, marriage was not available to persons of the same sex (McConnell versus Noonan, 547 F.2d 54, 1976). This bill anticipates future demands such as that made in the veterans' benefits case, and it reasserts that, for the purposes of Federal law, the word "marriage" will continue to mean "only a legal union between one man and one woman as husband and wife" and the word "spouse" will continue to mean "a person of the opposite sex who is a husband or a wife."

Another example of why we need a Federal definition of the terms "marriage" and "spouse" occurred during debate on the Family and Medical Leave Act of 1993. Shortly before passage of this act, I attached an amendment that defined "spouse" as "a husband or wife, as the case may be." I also gave a short speech on the amendment. When the Secretary of Labor published his proposed regulations, a considerable number of comments were

received urging that the definition of "spouse" be "broadened to include domestic partners in committed relationships, including same-sex relationships." When the Secretary issued the final rules he stated that the definition of "spouse" in the act and the legislative history precluded such a broadening of the definition of "spouse". The amendment, which was unanimously adopted, spared a great deal of costly and unnecessary litigation over the definition of spouse.

These are just a few reasons for why we need to enact the Defense of Marriage Act. Enactment of this bill will allow States to give full and fair consideration of how they wish to address the issue of same-sex marriages instead of rushing to legislate because of fear that another State's laws may be imposed upon them. It also will eliminate legal uncertainty concerning Federal benefits, and make it clear what is meant when the words "marriage" and "spouse" are used in the Federal Code.

I urge my colleagues to join me in sponsoring this bill and I ask for their support when this issue comes to the floor.

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

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

S. 1999

*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 "Defense of Marriage Act".

#### SEC. 2. POWERS RESERVED OF THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"Sec. 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1738C. Certain acts, records, and proceedings and the effect thereof."

#### SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"Sec. 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title

1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

#### ADDITIONAL COSPONSORS

S. 650

At the request of Mr. SHELBY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 1130

At the request of Mr. BROWN, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1130, a bill to provide for the establishment of uniform accounting systems, standards, and reporting systems in the Federal Government, and for other purposes.

S. 1669

At the request of Mr. LOTT, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center".

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1873

At the request of Mr. INHOFE, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1873, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

S. 1885

At the request of Mr. INHOFE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1885, a bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes.

S. 1936

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1951

At the request of Mr. HELMS, the name of the Senator from New York

[Mr. D'AMATO] was added as a cosponsor of S. 1951, a bill to ensure the competitiveness of the United States textile and apparel industry.

#### SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

#### SENATE CONCURRENT RESOLUTION 67—RELATIVE TO THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),* That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

- (1) published under the supervision of the Secretary of the Senate; and
- (2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

- (1) 5,000 copies for the use of the Secretary of Senate; or
- (2) such number of copies as does not exceed a total production and printing cost of \$45,000.

#### SENATE RESOLUTION 285—RELATIVE TO CAMBODIA

Mr. ROTH (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 285

Whereas, the Paris Peace Accords of 1991 and the successful national elections of 1993 ended the genocide in Cambodia, brought two decades of civil war nearer to cessation, demonstrated the commitment of the Cambodian people to democracy and stability, and led to the creation of a national constitution guaranteeing fundamental human rights;

Whereas, since 1991 the international community has contributed almost \$2 billion to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Royal Government of Cambodia (RGC);

Whereas, recent events in Cambodia—including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of former Finance Minister Sam Rainsy from the FUNCINPEC Party and the National Assembly, a grenade attack against the independent Buddhist Liberal Democratic Party of Cambodia, mob attacks against pro-opposition newspapers, the assassination of journalist and Khmer National Party member Thun Bunly, and harassment of other jour-

nalists—suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas, rampant corruption in the RGC has emerged as a major cause of public dissatisfaction, which—when expressed by opposition politicians and the press—has resulted in government crackdowns;

Whereas, Cambodia has been added to the Department of State's list of major narcotics trafficking countries;

Whereas, the RGC—in contravention to the Cambodian Constitution—has sanctioned massive deforestation and timber exploitation which has devastated the environment, endangered the livelihoods of many of the country's farmers, and helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war;

Whereas, the desire to cite Cambodia United Nations peacekeeping success story has stifled official international expressions of concern about deteriorating conditions in Cambodia; Now therefore, be it *Resolved*, That it is the sense of the Senate that:

(1) among the primary objectives in U.S. policy toward Cambodia should be improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

(2) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections to ensure that those elections are held in a free and fair manner complying with international standards;

(3) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia;

(4) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's human rights, environmental, narcotics trafficking and governmental conduct;

Mr. ROTH. Mr. President, I rise today on behalf of myself and Senator FEINSTEIN to submit a resolution expressing concerns about a series of disturbing developments in Cambodia.

Recently, the Senate Finance Committee reported out H.R. 1642 to extend permanent most-favored nation tariff treatment to Cambodia. Yesterday, the full Senate passed this legislation by voice vote.

When the Finance Committee marked up H.R. 1642, the committee's members made clear their serious concerns about increasing acts of repression by the Royal Government of Cambodia [RGC]. They also registered their concerns about growing corruption at the highest levels of the civilian and military administration, increasing drug trafficking, and substantial environmental degradation.

In reporting out the bill, the committee made it clear that it was doing so, in part, because it believes normal trade relations with Cambodia could serve to improve Cambodia's behavior.

The resolution we are submitting today is meant to send a parallel message—that the United States Senate