

“(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

“(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

“(A) on original issue at the issue price; or

“(B) by purchase of outstanding obligations at the market price.

“(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.”.

#### SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

#### “SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

“(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

“(b) PAYMENT.—

“(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

“(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

“(c) NOTIFICATION AND CONCURRENCE.—

“(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

“(2) NOTIFICATION DESCRIPTIONS.—A notification under paragraph (1) shall include a written description of—

“(A) the issues and parties involved;

“(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues; and

“(C) other relevant information.

“(3) CONCURRENCE.—

“(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

“(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice of the dispute or conflict.”.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

(1) by striking “There are authorized to be appropriated to the Fund” and inserting the following:

“(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund”; and

(2) by adding at the end the following:

“(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

“(1) \$4,250,000 for fiscal year 1998, of which—

“(A) \$3,000,000 shall be for capitalization; and

“(B) \$1,250,000 shall be for operation costs; and

“(2) \$1,250,000 for each of fiscal years 1999 through 2002 for operation costs.”.

#### SEC. 9. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking “fund” and inserting “Trust Fund”; and

(2) by striking “section 11” and inserting “section 13(a)”.

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking “Fund” and inserting “Trust Fund” each place it appears.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 65, 281, 289, and 307. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

#### NATIONAL CREDIT UNION ADMINISTRATION

Yolanda Townsend Wheat, of Missouri, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2001.

#### DEPARTMENT OF STATE

Thomas J. Dodd, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Corinne Claiborne Boggs, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

#### NATIONAL CREDIT UNION ADMINISTRATION BOARD

Dennis Dollar, of Mississippi, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2003.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations on the Executive Calendar: Nos. 163, 273, and 319. I also ask unanimous consent that the Labor Committee be discharged from further consideration of the nomination of Katharine G. Abraham, to be Commissioner

of Labor Statistics, and that the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

#### THE JUDICIARY

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

#### DEPARTMENT OF STATE

Susan E. Rice, of the District of Columbia, to be an Assistant Secretary of State.

Martin S. Indyk, of the District of Columbia, to be an Assistant Secretary of State.

#### DEPARTMENT OF LABOR

Katharine G. Abraham, of Iowa, to be Commissioner of Labor Statistics, United States Department of Labor, for a term of four years.

#### NOMINATION OF ANTHONY ISHII

Mrs. BOXER. Mr. President, having recommended Anthony W. Ishii to President Clinton to be U.S. District Judge for the Eastern District in California, I am gratified to see his nomination come before the full Senate today, and I urge my colleagues to vote to confirm him.

Anthony Ishii, a third generation Californian, will be the first Asian-American to serve on the Eastern District federal bench. He has had a long and distinguished legal career. Currently, he serves as a Municipal Court Judge for the Central Valley Municipal Court in Fresno, California.

For ten years prior to his service on the Municipal Court bench, he served as a Justice Court Judge for the Parlier-Selma Judicial District in Fresno County. He was initially appointed to the Justice Court position by the Fresno County Board of Supervisors, and has since stood for election three times. He won his first reelection and has been unopposed in each of the two subsequent ones.

Judge Ishii received his Juris Doctor from Boalt Hall, the law school at the University of California, Berkeley. Early in his career, he was a Deputy City Attorney in Sacramento and a Deputy Public Defender for the County of Fresno. Prior to his service on the bench, he was an attorney in private practice. He has extensive trial experience, handling over 70 jury trials before becoming a judge.

For years, Judge Ishii has been involved in numerous professional activities. He was appointed to the prestigious California Judicial Council by California Supreme Court Chief Justice Malcolm Lucas. Additionally, he served as a member of the Judicial Council Advisory Committee on the Administration of Justice in the rural counties for three years. He served

from 1991 to 1993 on the Commission on the Future of the California Courts. From 1983 to 1993, he was a member of the Fresno County Justice Court Judges Association and served a term as president of the organization.

Judge Ishii is also a leader in his community. He is a member of the Japanese American Citizens League, where he has served in numerous capacities for over nineteen years. His community service includes the Selma Public Education Foundation, the Selma Hospital Foundation, the Selma Delinquency Prevention Committee, and service on the Board of Valley Public Television. He has been a member of the California Small Business Development Board, the California Task Force on Rural Economy, and the Asian and Pacific Islander Advisory Committee.

Judge Ishii has received numerous letters illustrating his broad, bipartisan support. The Sheriff of Fresno County, Steve Magarian, who has known Judge Ishii for 15 years, says he "has earned the deep respect from law enforcement".

The Chief of Police, William Eldridge, of the Livingston Police Department says Judge Ishii is "highly respected by both the citizens of the community and law enforcement."

The President of the Merced County Sheriff's Employee Association, Brian Miller, writes Ishii "has a strong commitment to law enforcement, and has the background and knowledge that makes him an invaluable asset to the Federal Judicial System."

The President of the 700-member Fresno Police Officers Association, Larry Bertao, says that Judge Ishii has an "outstanding reputation among local law enforcement . . . and will serve his community in an effective and distinguished manner as a federal court judge."

The President of the Fresno Deputy Sheriffs Association, Victor Wisemer, says Judge Ishii is "well-respected by his colleagues, has a strong commitment to quality law enforcement, and is equitable in the decisions he renders."

Judge Ishii has the unanimous support of the Fresno County Board of Supervisors, an all-Republican Board. Their letter states that Ishii is "recognized for his exemplary judicial tenure and has universal community support."

The President of the Fresno Chamber of Commerce, Doug Davidian, says he is "well respected by law enforcement, the judiciary and by the legal and business communities."

I strongly believe Judge Ishii will make an outstanding addition to the federal bench. I believe his intelligence, judicial temperament, broad experience, professional and community service, and deep commitment to justice qualify him to serve on the federal bench with great distinction.

I am very proud to have had the opportunity to recommend Anthony Ishii for the Federal District Court, and I

urge my colleagues to vote to approve his nomination.

Mr. LEAHY. Mr. President, I am delighted that the majority leader had decided to take up the nomination of Judge Anthony W. Ishii to be a United States District Judge for the Eastern District of California. Judge Ishii is an outstanding nominee. He is currently a municipal court judge in Fresno, California. The ABA found him to be well-qualified, its highest rating.

We first received Anthony Ishii's nomination on February 12, 1997, almost eight months ago. He had a confirmation hearing on June 25, where he was strongly supported by both California Senators. He was favorably reported by the Judiciary Committee back on July 10. There has been no explanation or justification for the delay in bringing this nomination forward from the Senate calendar. I am sure that Judge Ishii and his family are happy that their long wait is now over. I congratulate them and look forward to his service on the District Court.

Unfortunately, the Republican leadership has chosen again to skip over the nomination of Margaret Morrow. In spite of the adoption of the Wyssen-Grassley amendment earlier this month, an amendment that calls upon Senators to come forward within two days of exercising a hold to identify themselves, Margaret Morrow's nomination has been the subject of an anonymous and mysterious hold over a period of two years and most recently since being reported on June 12, almost four months ago.

On September 29 Senator Hatch reiterated his continuing support for the nomination of Margaret Morrow and announced that he will vote for her. He said: "I have found her to be qualified and I will support her. Undoubtedly, there will be some who will not, but she deserved to have her vote on the floor. I have been assured by the majority leader that she will have her vote on the floor. I intend to argue for and on her behalf."

I have looked forward to that debate since June 12. I ask, again, why not now, why not today, why not this week? This is a nomination that has been pending for far too long and that has been stalled here on the floor twice over two years without justification. Last year this nomination was unanimously reported by the Judiciary Committee and was left to wither without action for over three months. This year, the Committee again reported her nomination favorably and it has been pending for another four months. There has been no explanation for this delay and no justification. This good woman does not deserve this shameful treatment.

Meanwhile, the people served by the District Court for the Central District of California continue to suffer the affects of this persistent vacancy—cases are not heard, criminal cases are not being tried. This is one of more than 28 vacancies that have persisted for so

long that they are classified as "judicial emergency" vacancies by the Administrative Office of the United States Courts.

When the President spoke out in his national radio address, he asked that the delay in the consideration of judicial nominees come to an end. Unfortunately, the delay continues with respect to too many nominations, including that of Margaret Morrow.

NOMINATION OF KATHARINE G. ABRAHAM

Mr. MOYHIHAN. Mr. President, the record should reflect that there is a growing body of evidence that the Consumer Price Index, as compiled by the Bureau of Labor Statistics, is not an accurate measure of the cost of living. The BLS itself so states in its brochure, "Understanding the Consumer Price Index: Answers to Some Questions," which in answer to the question "Is the CPI a cost of living index?" says "No, although it frequently and mistakenly is called a cost of living index."

That the CPI is an upward-biased measure of changes in the cost of living is not in dispute. The Advisory Commission to Study the Consumer Price index appointed by the Finance Committee in 1995 concluded as follows:

\* \* \* The Commission's best estimate of the size of the upward bias looking forward is 1.1 percentage points per year. The range of plausible values is 0.8 to 1.6 percentage points per year.

In testimony on February 11, 1997 before the Finance Committee, Commissioner Abraham herself acknowledged that the CPI "gives you an upper bound on what is happening to the cost of living."

I would also note that Dr. David Wilcox, who was recently nominated to be Assistant Secretary of the Treasury for Economic Policy, has reached conclusions remarkably similar to those of the Boskin Commission. While serving as Senior Economist at the Federal Reserve Board, Dr. Wilcox and Matthew Shapiro, Professor of Economics at the University of Michigan, published a study entitled "Mismeasurement in the Consumer Price Index: An Evaluation" in which they wrote:

\* \* \* we [find] the overall bias in the CPI at just under 1.0 percentage point per year. We also estimate that the [range] lies between 0.6 percentage point per year and 1.5 percentage points per year.

So the issue is not whether the CPI an accurate measure of changes in the cost-of-living, but rather how large is the upward bias?

Yet despite evidence from experts both inside and outside the government, last spring we began to hear repeated the argument that questioning the accuracy of the Consumer Price Index as a measurement of the cost of living somehow constituted political interference with the BLS. I hope that in her second term, Commissioner Abraham will help to dispel this perception by working closely with price experts inside and outside the government. For as Federal Reserve Chairman Alan Greenspan said in testimony

before the Finance Committee on January 30, 1997:

\* \* \* assuming zero for the remaining bias is the political fix. On this issue we should let evidence, not politics, drive policy.

Policies based on inaccurate statistics can have dramatic consequences for the economy. For example, overstating the increase in the cost of living reduces the growth in real wages. With an overstated cost of living measure, it appears that real hourly wages have been stagnant for the past 30 years. Yet with a one percentage point correction, it turns out that real hourly earnings have actually increased by 35 percent.

It is important that our Bureau of Labor Statistics, which is comprised of many superb professionals, even so be humble enough to recognize that it may not be the repository of all expertise on this subject. There are other views, and they need to be considered carefully by the BLS. Commissioner Abraham would do well to be mindful of this in her second term.

#### LEGISLATIVE SESSION

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

#### NATIONAL MAMMOGRAPHY DAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, submitted today by Senators BIDEN, MACK, ABRAHAM and others.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. 136) designating October 17, 1997, as "National Mammography Day."

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. 136) was agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 136

Whereas according to the American Cancer Society, in 1997, 180,200 women will be diagnosed with breast cancer and 43,900 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), saving as many as 30 percent more lives;

Whereas the medicare program will cover mammograms on an annual basis for women over 39 years of age, beginning in January, 1998; and

Whereas 47 States have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 1997, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

Mr. STEVENS. Mr. President, I might state that all of those items were cleared by the Democratic side, as well as the Republican side of the Senate.

#### ORDERS FOR MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, I announce that when the Senate adjourns this evening, it will reconvene under the provisions of House Concurrent Resolution 169 at 12 noon on Monday, October 20. I ask unanimous consent that immediately following the prayer, the routine requests through the morning hour be granted; and that there then be a period for the transaction of morning business until the hour of 2:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

#### PROGRAM

Mr. STEVENS. Mr. President, the Senate will not be in session tomorrow, Friday, October 10. The Senate will reconvene on Monday, October 20, and at 2:30, the Senate will resume consideration of the ISTEAL legislation. However, no votes will occur during the session of the Senate on Monday, October 20. Votes could occur as early as the morning of Tuesday, October 21. The continuing resolution expires on October 23. Therefore, the Senate will be considering available appropriations conference reports throughout the week the Senate returns from the Columbus Day recess.

#### AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATION

Mr. STEVENS. Mr. President, I ask unanimous consent that committees have until 7 p.m. this evening to file reported legislation.

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

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 20, 1997

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 169, until 12 noon on Monday, October 20, 1997.

Thereupon, the Senate, at 6:57 p.m., adjourned until Monday, October 20, 1997, at 12 noon.

#### NOMINATIONS

##### EXECUTIVE OFFICE OF THE PRESIDENT

Executive nominations received by the Senate October 9, 1997:

ROBERT S. WARSHAW, OF NEW YORK, TO BE ASSOCIATE DIRECTOR FOR NATIONAL DRUG CONTROL POLICY, VICE ROSE OCHIE, RESIGNED.

##### DEPARTMENT OF STATE

MARY MEL FRENCH, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

ROBERT T. GREY, JR., OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

DAVID B. HERMELIN, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

##### U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HARRIET C. BABBITT, OF ARIZONA, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CAROL J. LANCASTER, RESIGNED.

##### FOREIGN SERVICE

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 OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD B. HOWARD, OF CALIFORNIA

##### U.S. INFORMATION AGENCY

ROBERT JAMES BIGART, JR., OF NEW YORK  
SUE K. BROWN, OF TEXAS  
CATHY TAYLOR CHIKES, OF VIRGINIA  
RENATE ZIMMERMAN COLESHILL, OF FLORIDA  
JAMES R. CUNNINGHAM, OF VIRGINIA  
THOMAS E. FACHETTI, OF PENNSYLVANIA  
LINDA GRAY MARTINS, OF VIRGINIA  
NIKITA GRIGOROVICH-BARSKY, OF MARYLAND  
SUSAN M. HEWITT, OF VIRGINIA  
JOHN D. LAVELLE, JR., OF VIRGINIA  
JOANN QUINTON-SAMUELS, OF FLORIDA  
VINCENT P. RAIMONDI, OF NEW YORK  
RAYMOND E. SIMMERSON, OF MARYLAND  
ROBERT D. SMOOT, OF FLORIDA  
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA  
PATRICIA L. WALLER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

CAREY N. GORDON, OF FLORIDA  
CECIL DUNCAN MCFARLAND, OF KENTUCKY  
STEPHEN HUXLEY SMITH, OF NEW HAMPSHIRE

##### U.S. INFORMATION AGENCY

ERGIBE A. BOYD, OF MARYLAND  
TIMOTHY JAMES DODMAN, OF NEBRASKA  
SAMUEL E. DURRETT, OF VIRGINIA  
STANLEY G. GIBSON, OF OHIO  
PAUL LAWRENCE GOOD, OF CALIFORNIA  
GAYLE CARTER HAMILTON, OF TEXAS  
BETTY DIANE JENKINS, OF VIRGINIA  
GERALD K. KANDEL, OF NEVADA  
MARY A. MCCARTER-SHEEHAN, OF KANSAS  
MARGARET C. OSOSKY, OF THE DISTRICT OF COLUMBIA  
DELORIS D. SMITH, OF MARYLAND  
MICHELE ISA SPRECHMAN, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

TIMOTHY H. ANDERSON, OF VIRGINIA  
JOHN A. BEED, OF MARYLAND  
PETER R. HUBBARD, OF CALIFORNIA