

“(a) Before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates or interest of the proposed issue in appropriate detail. The Postal Service shall consult with the Secretary of the Treasury, or the designee of the Secretary, under this subsection for a reasonable period of time as determined by the Postal Service. The sale and issue of obligations described under this subsection shall not be subject to approval by the Secretary of the Treasury.”.

#### SEC. 5. ELIMINATION OF POSTAL SERVICE “PUT” ON TREASURY.

Section 2006(b) of title 39, United States Code, is amended to read as follows:

“(b)(1) Upon request of the Postal Service, the Secretary of the Treasury may purchase obligations of the Postal Service in such amount as the Secretary and the Postal Service, in their discretion, may agree.

“(2) The obligations purchased by the Secretary pursuant to paragraph (1) shall be exempt from the maximum amount limitations of section 2005(a), if—

“(A) the total outstanding amount of obligations exempt from section 2005(a) does not exceed \$2,500,000 at any one time; and

“(B) the Secretary and the Postal Service jointly determine that such exemption is necessary to carry out the purposes of this chapter.”.

#### SEC. 6. EFFECTIVE DATE.

The Act, and the amendments made by this Act, shall become effective 90 days after the date of enactment of this Act.

By Mr. SHELBY:

S. 1298. A bill to designate a Federal building located in Florence, Alabama, as the “Justice John McKinley Federal Building”; to the Committee on Environment and Public Works.

#### THE JUSTICE JOHN MCKINLEY FEDERAL BUILDING

Mr. SHELBY. Mr. President, I am pleased to rise today to introduce legislation to honor John McKinley. John McKinley was a statesman, an influential State legislator, one of the founding trustees of the University of Alabama, U.S. Senator, and the first U.S. Supreme Court Justice from the State of Alabama.

Born on May 1, 1780, in Culpepper County, VA, John McKinley began his career in Kentucky after learning the law on his own. In 1818, he moved to Alabama and shortly after his arrival, McKinley, along with Andrew Jackson and John Coffee, became a member of the Cypress Land Co. This company was the largest single purchaser of land in north Alabama in the land boom of 1818. In addition to pursuing his fortune, John McKinley almost immediately entered Alabama politics. In 1820, he was elected to the State legislature.

In 1826, McKinley was elected by the State legislature to the U.S. Senate where he served until 1831. In the Old Senate Chamber, just down the hall, he espoused a political theory that to many in Washington may seem quaint. He believed that the national government's sovereignty was limited solely to the powers granted by the Constitution unless expressly relinquished by

the States. As chairman of the Committee on Public Lands, he promoted transferring Federal lands to the States for economic development. Defeated for a second term in the Senate, McKinley returned to the Alabama legislature.

In the legislature, McKinley gained considerable influence by denouncing the national bank and endorsing President Jackson's efforts to dismantle it. He also supported Martin Van Buren, Jackson's candidate for President in 1836. When the Jacksonian Democrats regained control of the State legislature, the new majority re-elected McKinley to the Senate. Shortly thereafter, as a reward for his loyalty to Jackson and endorsement of Van Buren, the newly elected President nominated McKinley for a seat on the Supreme Court. The Senate confirmed his nomination 1 week later on September 25, 1837, by voice vote.

Justice John McKinley was assigned to the ninth circuit, which encompassed Alabama, Arkansas, Louisiana, and Mississippi. While riding circuit in Mobile, AL, Justice McKinley heard the first of three cases collectively known as *Bank of Augusta versus Earle*. In this controversial decision, McKinley upheld an Alabama statute prohibiting out-of-State banks from making loans in Alabama. The case which was appealed to the Supreme Court was heard in 1839.

The Court overturned the McKinley decision, and only McKinley dissented. Chief Justice Roger Taney wrote the majority opinion which declared that there was a law of comity that applied among the States. Therefore, a bank had as much a legal right to offer interstate loans as they do in the charter State. In the lone dissent, however, McKinley made the interesting point that the Court's majority had applied the State sovereignty doctrine in the extreme and that the States ceased to be nations when they ratified the Constitution.

His most significant contribution to the Court was writing the majority opinion in *Pollard's Lessee versus Hagan* (1845). This opinion declared that the Federal Government held public lands in trust until a territory became a State. At the time a territory entered the Union, the public land was rightfully State property. This decision provided a legal basis for opening public lands and for furthering economic development.

In addition to Pollard, Justice McKinley wrote nine other opinions in 1845, his most prolific year on the Court. After 1845, his work became sporadic due to general poor health. He attended, however, the Court's sessions as regularly as possible and contributed as best he could. John McKinley remained a member of the Court until his death in the spring of 1852.

There is no Federal building to honor Justice McKinley, and the legislation that I am introducing will correct this oversight. The bill designates the Fed-

eral courthouse and U.S. Post Office complex in Florence, AL as the “Justice John McKinley Federal Building.” The legislation has received the endorsement of the following: Mayor Frost and the Florence City Council, the Lauderdale County Commission, Tennessee Valley Historical Society, Florence Historical Board, Heritage Preservation, Inc., the Alabama State Bar Association, the Lauderdale County Bar Association, and the McKinley Young Lawyers of the Shoals.

I urge my colleagues to support this legislation and pay tribute to this Alabama statesman.

#### ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 263

At the request of Mr. McCONNELL, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 375

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 567

At the request of Mr. SMITH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 567, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 813

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 813, a bill to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1096

At the request of Mr. CAMPBELL, his name was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1129

At the request of Mr. WELLSTONE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1129, a bill to provide grants to States for supervised visitation centers.

S. 1135

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 1135, a bill to provide certain immunities from civil liability for trade and professional associations, and for other purposes.

S. 1189

At the request of Mr. SMITH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1189, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program.

S. 1195

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1222

At the request of Mr. CHAFEE, the names of the Senator from Mississippi [Mr. LOTT], the Senator from New

Hampshire [Mr. GREGG], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1256

At the request of Mr. HATCH, the names of the Senator from Virginia [Mr. WARNER], the Senator from Texas [Mrs. HUTCHISON] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the U.S. district courts and the Court of Federal Claims; to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1285

At the request of Mr. MACK, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

## SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

## SENATE RESOLUTION 116

At the request of Mr. LEVIN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day."

## NOTICES OF HEARINGS

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, October 21, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen

Building. The subject of the hearing is S. 1124, Workplace Religious Freedom Act. For further information, please call the committee, 202 / 224-5375.

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a executive session of the Senate Committee on Labor and Human Resources will be held on Wednesday, October 22, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The following are on the agenda to be considered: S. 1294, Emergency Student Loan Consolidation Act of 1997; S. 1237, Safety Advancement for Employees Act of 1997; and Presidential nominations.

For further information, please call the committee, 202 / 224-5375.

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, October 23, 1997, 10 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is S. 869, Employment Non-Discrimination Act of 1997. For further information, please call the committee, 202 / 224-5375.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an addition has been made to the hearing scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources on Thursday, October 23, 1997, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition to its consideration of S. 633, the subcommittee will also receive testimony on S. 1132, a bill to modify the boundaries of the Banderier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies to their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a