

1, 2000; fourth, restore definitions of jukebox and jukebox operator, which were mistakenly omitted when the old jukebox compulsory license was replaced with the current negotiated jukebox license; fifth, revise the currently unworkable requirement of a 10-day advanced notice of intent to copyright the fixation of live performances, such as sporting events; sixth, clarify administrative issues regarding the operation of the Copyright Arbitration Royalty Panels; seventh, provide needed flexibility for the Librarian of Congress in setting the negotiation period for the distribution of digital audio recording technology [DART] royalties; and, eighth, make miscellaneous spelling, grammatical, capitalization, and other corrections to the Copyright Act.

Mr. President, this is important legislation, and I am pleased the Senate has acted to approve it prior to adjourning this fall. I wish to thank my colleagues and to encourage the House to accept the Senate amendment and to forward H.R. 672 to the President for his signature without delay.●

#### AWARDING THE CONGRESSIONAL GOLD MEDAL TO THE "LITTLE ROCK NINE"

● Mr. ABRAHAM. Mr. President, I rise today in support of S. 1283, legislation to award the Congressional Gold Medal, the highest honor Congress can bestow upon civilians for acts of public service and patriotism, to those civil rights leaders history will remember as the "Little Rock Nine."

As all of my colleagues are aware, on September 25, 1957, nine young students, in the face of unspeakable hostility and hatred, voluntarily integrated Central High School in Little Rock, AK. In doing so, they confronted not only an angry mob assembled in fierce opposition, but also an entrenched culture of bigotry and racism.

In today's day and age, lofty terms like valor, heroism, and bravery are used so frequently and in such a casual context the proper impact of their meaning has unfortunately been devalued. However, it is sometimes within the most ordinary acts, such as a child's steps through a schoolhouse door, in which the most extraordinary instances of courage can be found.

Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas are all civil rights pioneers. In addition, however, to serving as national symbols as racial progress, each deserve individual recognition for the dignity and grace they displayed on that September morning 40 years ago.

Mr. President, awarding the Congressional Gold Medal to the "Little Rock Nine" would provide this long overdue honor to these exceptional people. As a U.S. Senator, it is my pleasure to co-sponsor this legislation. As an American, it is my privilege to have the op-

portunity to say thank you to nine men and women who, in pursuit of their own education, taught the rest of the nation an invaluable lesson about racial equality.●

#### ORDER OF BUSINESS

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-LARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. DEWINE. Mr. President, on behalf of the leader, as in executive session, I ask unanimous consent that at the hour of 11 a.m., on Wednesday, October 29, the Senate proceed to executive session to consider calendar No. 312, the nomination of William E. Kennard to be a member of the FCC. I further ask unanimous consent that there be 20 minutes of debate, equally divided, between the chairman and the ranking member, with an additional 5 minutes under the control of Senator BURNS and 5 minutes under the control of Senator HELMS. I finally ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, and following that vote 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.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, again on behalf of our leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 263, No. 265, No. 266, No. 267, No. 268, No. 311, No. 313, No. 315, No. 316, and No. 331. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF ENERGY

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy.

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

#### FEDERAL COMMUNICATIONS COMMISSION

Harold W. Furchtgott-Roth, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1995.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1997.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1998.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1998. (Reappointment)

#### DEPARTMENT OF THE INTERIOR

M. John Berry, of Maryland, to be an Assistant Secretary of the Interior.

#### LEGISLATIVE SESSION

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

#### ORDERS FOR WEDNESDAY, OCTOBER 29, 1997

Mr. DEWINE. Mr. President, again on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m., on Wednesday, October 29. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately begin consideration of Calendar No. 312, the nomination of William E. Kennard to be a member of the Federal Communications Commission under the order.

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

#### PROGRAM

Mr. DEWINE. Again on behalf of the leader, tomorrow morning at 11 a.m., under the previous order, the Senate will proceed to executive session to consider the nomination of William Kennard to be a member of the Federal Communications Commission. Under the order, there will be 30 minutes of debate on the nomination with a roll-call vote occurring at the expiration or yielding back of that time. Therefore, Members can anticipate a vote at approximately 11:30 a.m.

At 12 noon, it will be the leader's intention for the Senate to turn to consideration of H.R. 1119, the national

Defense authorization conference report. The Senate may also begin consideration of Senator COVERDELL's legislation dealing with education IRA's. Subsequently, Members can anticipate further rollcall votes throughout Wednesday's session of the Senate.

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

#### ORDER FOR ADJOURNMENT

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator BROWNBACK.

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

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

#### THE FIRST KANSAS COLORED INFANTRY

Mr. BROWNBACK. Mr. President, I take the Senate floor today to mark the anniversary of a noble and courageous effort made on behalf of our Nation by some of the brave residents, of our then very young State of Kansas.

Mr. President, 135 years ago today in the year 1862, the first Kansas colored infantry were the first union black troops of the Civil War to engage in combat—October 28th and 29th at Island Mound, or Toothman's Mound, near the town of Butler in Bates County, MO, near my hometown.

The intrepid first Kansas colored infantry's contribution at Toothman's Mound helped prompt President Abraham Lincoln to issue the Emancipation Proclamation barely 2 months later and inspired hundreds of thousands of other black soldiers to take up arms in the cause of Union and free soil—undoubtedly influencing the outcome of that war and perhaps proving decisive in preserving government of the people,

by the people, and for the people in the world as we know it.

Let me emphasize, the survival of our experiment in self-government was at stake, and these individuals paid the price to ensure that our Constitution would not perish from the Earth.

One of the easy mistakes when reading history is to assume that the outcome of great struggles was inevitable. This is not so. History is contingent, dependent on the choices and actions of real people. Things might have been very different if a few brave people hadn't acted as they did.

Without the sacrifice of our Founders we might never have known independence, certainly not in the form we now enjoy—and without the sacrifices of subsequent generations, most especially of people like those who served in the first Kansas colored infantry, our forebearers most precious gift—liberty under law—would be lost.

Mr. President the example of service, dedication, and courage set by the first Kansas colored infantry at the very moment of our Nation's greatest need should be always with us as we carry on our work here in the crucible of liberty.

Mr. President, those soldiers had reason to doubt America's promise of liberty and justice for all. But when freedom called they answered, and we are forever in their debt.

In these often selfish and cynical times, we should pause and thankfully remember the first Kansas colored infantry. The blows they struck for freedom and Union, place us forever in their debt.

#### UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the previous consent agreement with respect to the Kennard nomination be modified to include 10 minutes for debate for Senator TORRICELLI and 30 minutes equally divided between the two managers.

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

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 7:19 p.m., adjourned until Wednesday, October 29, 1997, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate October 28, 1997:

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

KATHERINE L. ARCHULETA, OF COLORADO, TO BE A MEMBER OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000, VICE LADONNA HARRIS, RESIGNED.

##### NATIONAL LABOR RELATIONS BOARD

JOSEPH ROBERT BRAME, III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 1999, VICE JOHN C. TRUESDALE.

##### ENVIRONMENTAL PROTECTION AGENCY

SALLYANNE HARPER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE JOHATHAN Z. CANNON, RESIGNED.

##### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HANK BROWN, OF COLORADO, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING APRIL 6, 2000, VICE WALTER R. ROBERTS, TERM EXPIRED.

PENNE PERCY KORTH, OF TEXAS, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2000, VICE WILLIAM HYBL, TERM EXPIRED.

##### MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2004, VICE ANTONIO C. AMADOR, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1997:

##### DEPARTMENT OF ENERGY

JOHN C. ANGELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTER-GOVERNMENTAL AFFAIRS).

ERNEST J. MONIZ, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF ENERGY.

MICHAEL TELSON, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DAN REICHER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY).

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (POLICY, PLANNING, AND PROGRAM EVALUATION).

##### FEDERAL COMMUNICATIONS COMMISSION

HAROLD W. FURCHTGOFF-ROTH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1995.

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1997.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1998.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1998.

##### DEPARTMENT OF THE INTERIOR

M. JOHN BERRY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.