

## MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

H.R. 2493. An act to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1479. An act to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1484. An act to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2493. An act to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; to the Committee on Energy and Natural Resources.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 31, 1997 he had presented to the President of the United States, the following enrolled bill:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 3275. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to TRICARE; to the Committee on Armed Services.

EC 3276. A communication from the Director of the Washington headquarters Services, Department of Defense, transmitting, pursuant to law, a rule entitled "Champus TRICARE Support Office" (RIN0720-AA42) received on October 21, 1997; to the Committee on Armed Services.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-291. A resolution adopted by the Senate of the Legislature of the State Michigan; to the Committee on Appropriations.

## SENATE RESOLUTION No. 69

Whereas, In 1986, Congress created the Leaking Underground Storage Tank Trust Fund through legislation amending the Resource Recovery and Conservation Act. The fund was financed through a 0.1 cent tax on each gallon of motor fuel sold. The tax levy, which was reauthorized in 1990, expired on December 31, 1995. The fund has approximately \$1.5 billion in it; and

Whereas, The purpose of the money generated by the Leaking Underground Storage Tank Trust Fund is two-fold. It seeks to enforce corrective actions where the owner of a leaking tank is known and cleanup activities where the owner is not known or is unable or unwilling to pay. The fund's proceeds are distributed to the states on a formula based on criteria determined by federal officials. Factors include levels of contamination, the number of leaking tanks, the number of cleanup efforts, and danger to drinking supplies; and

Whereas, Over the years, not enough money from the trust fund has gone to fighting the effects of leaking underground storage tanks. Almost all of the fund's proceeds go toward administration and enforcing the program. It is estimated that only 1 percent of fund money spent each year goes to clean up orphan tanks; and

Whereas, In an effort to increase cleanup initiatives and to deal with a problem that gets worse with the passage of time, Congress is considering legislation to revamp the manner in which the money in the Leaking Underground Storage Tank Trust Fund is distributed. The legislative proposals offer a more pragmatic approach by providing for the Environmental Protection Agency to distribute the money to the states with more authority for the states. The states are in far better positions to determine how best to meet the aims of cleanup and enforcement. With a formula for distributing the funds based on what the states contributed to the fund, a far greater positive impact can be made in cleaning up our environment; Now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-292. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

## ASSEMBLY JOINT RESOLUTION No. 13

Whereas, The Congress of the United States of America is considering the ratification of the balanced budget amendment to the Constitution of the United States of America; and

Whereas, Amendment the Constitution of the United States should not be entered into without the full knowledge of the California Legislature as to the economic and human consequences of the amendment on the State of California; and

Whereas, The potential impact of the balanced budget amendment without protections for seniors, medicare recipients, and social security recipients, upon the State of

California and its individual citizens could be massive and without precedent; and

Whereas, Older American in this country have labored their entire life to prosper and succeed to make America great; and

Whereas, Congress should take every step to exempt social security from the balanced budget amendments; and

Whereas, Congress needs to adopt a hands-off approach to social security and the Medicare system and stop any further action to hurt older Americans; and

Whereas, All efforts should be continued to keep social security from the balanced budget amendment since Congress took it "off budget" in 1990; and

Whereas, The Legislature of the State of California needs sufficient information and data upon which to base its appraisal of the impact of the balanced budget amendment; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California jointly*, That the Legislature respectfully memorializes the President and Congress of the United States to continue efforts to indefinitely ensure that social security is not threatened in any way, to protect older Americans who are receiving social security and Medicare from undue harm and stress from the continuing dialogue to stop any effort to hurt the income security of older Americans, to ensure that everything necessary is being done to make sure that older Americans continue to receive all that they are entitled to and deserve, and to ensure the solvency of social security and Medicare for future generations of taxpayers and senior citizens entitled to the benefits provided by those programs; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-293. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

## JOINT RESOLUTION No. 18

Whereas, The United Nations Commission on the Status of Women formulated a document entitled the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

Whereas, The United Nations General Assembly adopted the Convention, and opened it for signature in December 1979; and

Whereas, The Convention, sometimes called an international Bill of Rights for women, obligates those countries that have ratified or acceded to it to take all appropriate measures to ensure the full development and advancement of women in all spheres, including political, educational, employment, health care, economic, social, legal, marriage and family relations, as well as to modify the social and cultural patterns of conduct of men and women to eliminate prejudice, customs, and all other practices based on the idea of the inferiority or superiority of either sex; and

Whereas, Fifty-two countries, including the United States, signed the Convention during the 1980 Mid-Decade Conference for Women in Copenhagen, Denmark; and

Whereas, To date, 160 countries, representing over half the countries of the world, have now ratified or acceded to the Convention; and

Whereas, The United States has not yet ratified or acceded to the Convention; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of California jointly*, That the Legislature of the State of California commends the

local, national, and international efforts of the National Committee on the United Nations to promote the universal adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and urges the United States Senate to ratify CEDAW; and be it further

*Resolved*, That the Assembly and the Senate of the State of California shall work to ensure the elimination of discrimination against women and girls in the State of California, as they pursue the enjoyment of all civil, political, economic, and cultural rights, as expressed in the CEDAW treaty; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-294. A resolution adopted by the House of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Foreign Relations.

#### RESOLUTION

Whereas, The Commonwealth of Puerto Rico and the province of Taiwan of the Republic of China enjoy a close and long standing relationship;

Whereas, Dr. Sun Yat-Sen, founder the Republic of China, has been recognized as a national patriot by all the governments of modern China and in harmony with his principles, the government of the Republic of China in Taiwan has consistently shown its commitment towards world peace and stability, economic and social-regional development, international mutual assistance, democratization processes and political and economic freedom;

Whereas, the economy of the Republic of China in Taiwan makes it, at present, the fourteenth largest commercial country, the twentieth in gross national product and the twenty-fifth in gross per capita income;

Whereas, the population of the Republic of China in Taiwan is greater than the population of two-thirds of the present members of the United Nations Organizations;

Whereas, the people of the Republic of China in Taiwan deserve appropriate recognition and credit for their dynamic role in the international community;

Whereas, the creation of an ad hoc committee for the study of the exceptional situation of the people of the Republic of China in Taiwan in the international community, has been proposed before the United Nations Organization in order to advance fair and viable solutions which will allow its participation in the international bodies under the aegis of the United Nations Organization;

Whereas, there is a precedent for the full participation of the Republic of China in Taiwan in the United Nations Organization and its affiliated bodies, such as the participation formerly granted to nations divided between two governments such as Korea, and as were Germany and Yemen for many years before their unification;

Whereas, since the People of Puerto Rico lack the power to directly influence the President and the United States Congressmen who direct the foreign and diplomatic policy which applies to Puerto Rico by vote, it is essential for this High Body to state its feelings on this matter to them. Now therefore: be it

*Resolved by the House of Representatives of Puerto Rico:*

Section 1.—To hereby request the President and the Congress of the United States to give their utmost attention and action support to the Republic of China in Taiwan

as an important participant in international commerce and trade, and as a former ally, and in support of its efforts to attain its full participation in the international community bodies.

Section 2.—To have this Resolution translated into the English language, and remit copies thereof to the President and to the Congress of the United States, and to the Representatives of the Republic of China in Taiwan.

POM-295. A resolution adopted by the House of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

#### RESOLUTION

##### STATEMENT OF MOTIVES

Information published in the United States indicates that in recent months a controversy has arisen regarding the manner in which the Federal Census for the year 2000 shall be conducted. The controversy is basically about proposed methodology.

The Bureau of the Census plans to use the statistical sampling technique, alleging that it is necessary in order to correct the situation of the previous census which failed to count some one point six (1.6) percent of the population of the United States or around four million (4,000,000) persons, according to its own estimates. It is estimated that if the sample is not used, one point nine (1.9) percent of the population shall not be counted and that six hundred seventy-five (675) to eight hundred (800) million dollars would be necessary in addition to the four billion it expects to spend.

From the above, it can be inferred that a census with statistical sampling is more reliable and less costly than that which does not use the sample. It is also important to indicate that experience has shown that the endemic problem of the population that is uncounted mainly affects the minorities, and among them, Hispanics.

We wish to join our efforts to those of Martha Farnsworth Richie, Director of the Bureau of the Census, Barbara E. Bryant, former Director of the Bureau of the Census under former President Bush, the two panels of the National Research Council, one of which is directed by Charles L. Schulze, who worked for Brookings Institution, to the American Statistics Association, the United States Conference of Mayors, organizations of legal counsel for minority groups such as the Civil Rights Leadership Council, the majority of the members of Congress affiliated to the Democratic Party, Republican Congressmen such as Senator John McCain from Arizona and Congressman Christopher Shays from Connecticut, as well as state governments such as New York and Los Angeles, all these who favor the use of statistical sampling in the Census.

It seems to us that the arguments set forth by those who oppose the use of samples based on considerations of public order, lack validity. The Chairman of the National Republican Party, Jim Nicholson, has been quoted as saying that based on an undisclosed internal report, that Republicans could lose up to twenty-five (25) seats in the House of Representatives if statistic sampling is used in the Census for the year 2000. This has been denied by other sectors. A study conducted by the Congressional Investigation Service based on the projections of the Census of 1996, reflects that eleven (11) seats would change hands and that states such as Texas, Arizona and Georgia would gain two (2) seats, while New York and Pennsylvania would lose two (2) seats.

The argument that a Census with sampling would be unconstitutional and that additional costs would be avoided if the Supreme

Court annuls a census with the sample do not convince us either.

Department of Justice Opinions under the administrations of Clinton, Carter and Bush conclude that the Constitution does not exclude the use of the sample. We firmly believe that the constitutional right of equal protection under laws of the United States of the persons omitted in the past by the Census were violated, and that those mainly affected are members of minority groups that are not counted for reasons such as higher rates of multiple families living together, changes of residence and cases of homeless people, which mostly affect minority groups than the rest of the population.

In the spirit that justice be done from the economic point of view, as well as from the political point of view through equal treatment to all the residents of the United States, we urge the President and the Congress of the United States to support a Federal Census using the methodology proposed by the Bureau of the Census so that the five (5) million persons who would be omitted from the statistics of the Census if the statistical sampling is not used, can be counted, be it

*Resolved by the House of Representatives of Puerto Rico:*

Section 1.—To urge President William Jefferson Clinton and the Congress of the United States to support the methodology proposed by the United States Bureau of the Census to conduct the Federal Census of the year 2000.

Section 2.—A copy of this Resolution shall be remitted to the President of the United States, as well as to the Speaker of the House and President of the Senate of the United States of America, to the Floor leaders of the various parliamentary delegations, and to the Black Caucus and Hispanic Caucus of the Congress, the Governor of Puerto Rico and the Resident Commissioner of Puerto Rico in the United States, in English and in Spanish.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 960. A bill to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes (Rept. No. 105-127).

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

S. 1180. A bill to reauthorize the Endangered Species Act (Rept. No. 105-128).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 318. A bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes (Rept. No. 105-129).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes (Rept. No. 105-130).