

# AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar item No. 274, Senate 1193.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:.

A bill (S. 1193) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Insurance Reauthorization Act of 1997".

## SEC. 2. VALUATION OF AIRCRAFT.

(a) GENERAL AUTHORITY FOR INSURANCE AND REINSURANCE.—Section 44302(a)(2) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry."

(b) LIMITATION ON MAXIMUM INSURED AMOUNT.—Section 44306(c) of title 49, United States Code, is amended by striking "as determined by the Secretary." and inserting "as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry."

## SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.

Section 44305(b) of title 49, United States Code, is amended by adding at the end the following: "If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States."

## SEC. 4. ARBITRATION AUTHORITY.

(a) AUTHORIZATION OF BINDING ARBITRATION.—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: "Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates."

(b) AUTHORITY TO PAY ARBITRATION AWARD.—Section 44308(b)(2) of such title is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) pay the amount of a binding arbitration award made under paragraph (1); and"

## SEC. 5. EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 44310 of title 49, United States Code, is amended by striking "September 30, 2002" and inserting "December 31, 1998".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

## SEC. 6. USE OF AIRCRAFT FOR DEMONSTRATION.

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking "or" in clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following: "(ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration; or".

Mr. CRAIG. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered and read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The committee substitute was agreed to.

The bill (S. 1193), as amended, was passed.

## NATIONAL FAMILY WEEK

Mr. CRAIG. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 272, Senate Resolution 93.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 93) designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as "National Family Week", and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 93

Designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as "National Family Week", and for other purposes.

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 23, 1997 and the week beginning on November 22, 1998, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

# UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AMENDMENT

Mr. CRAIG. Mr. President, I now ask unanimous consent that the Senate now proceed to the consideration of S. 1258.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1258) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1617

(Purpose: Technical Amendment)

Mr. CRAIG. Mr. President, Senator BENNETT has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG), for Mr. BENNETT, proposes an amendment numbered 1617.

On page 2, line 3, strike "(a)".

On page 3, line 4, strike "under this Act,".

On page 3, beginning on line 5, strike "on the basis of race, color, or national origin".

Mr. BENNETT. Mr. President, I rise today to make a brief statement regarding S. 1258, a bill I introduced on October 6, 1997. This legislation will amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien not lawfully present in the United States from receiving assistance under that act. The Senate Committee on Environment and Public Works has reviewed this bill and approved it for Senate floor action.

My purpose in bringing this bill before the Senate is to address a loophole that was inadvertently created when immigration and welfare reform bills were recently enacted. In part, these bills were crafted to prevent illegal immigrants from entering the United States by denying Federal taxpayer paid benefits to illegal aliens. Currently, illegal aliens are still eligible to receive relocation assistance. Often, this assistance turns out to be a significant sum of money.

This legislation was originally introduced in the other body following an incident in California in which an illegal immigrant was awarded \$12,000 because her legal status in this country made her ineligible to be moved into section 8 housing. In other instances, relocation assistance is being awarded to illegal aliens who then use the money to buy homes in their countries of origin.

This legislation simply closes a loophole which was overlooked in previous legislation and fully complies with the intent of Congress when it enacted immigration and welfare reform laws. I note that this legislation will not affect foreign nationals residing in the

United States as legal residents or under the legal protection of a valid visa. In addition, the bill provides Federal agencies the ability to waive the provisions of this act in case of an exceptional and extremely unusual hardship.

I have one technical amendment to bring the bill into conformance with the legislation already passed by the other body. This amendment does not change the substance of the bill and I ask that it be considered with the bill. I have worked closely with the Senate Committee on Environment and Public Works in bringing this bill to the floor. I appreciate their support and the help of committee staff in moving this legislation toward enactment.

Mr. CHAFEE. Mr. President, today the Senate is considering S. 1258, a bill introduced by Senator BENNETT to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that act. The Committee on Environment and Public Works unanimously approved this bill on Wednesday, October 29, 1997.

S. 1258 includes several features, in addition to the general provision prohibiting illegal aliens from receiving Federal assistance, to ensure that the act is carried out in a fair manner. In cases of extreme and unusual hardship, S. 1258 leaves it to the discretion of the Department of Transportation to provide a waiver to the ineligibility that is otherwise applicable. In addition, rights to compensation that an illegal alien may have under other Federal or State laws are not affected.

I ask for unanimous consent that a letter from the Congressional Budget Office be printed in the RECORD.

Mr. President, I encourage Senate adoption of this necessary measure.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE  
Washington, DC, November 3, 1997.

Hon. JOHN H. CHAFEE,  
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1258, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for this estimate are Deborah Reis (for federal costs), who can be reached at 226-2860, and Kristen Layman (for the state and local impact), who can be reached at 225-3220.

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

CONGRESSIONAL BUDGET OFFICE, COST  
ESTIMATE

*S. 1258.—A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act*

CBO estimates that implementing S. 1258 would cost the federal government less than \$500,000 over the next year or two, assuming appropriation of the necessary amounts. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1258 would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no significant costs on state, local, or tribal governments.

S. 1258 would prevent persons who are not lawfully present in the United States from receiving relocation payments or other assistance when real property they occupy is acquired by a federal agency or with federal financing. The bill would require the U.S. Department of Transportation (DOT) to promulgate regulations within one year of enactment to implement the new law, including rules for determining whether a displaced person is lawfully present in the country and standards for judging when exceptions should be made for unusual hardship. DOT also would be responsible for providing agencies with information on proper implementation of the law through training and technical assistance.

Based on information provided by DOT and other agencies, and assuming appropriation of the necessary amounts, CBO estimates that DOT and other federal agencies would spend less than \$500,000 to develop the necessary regulations, guidelines, and training programs to implement the legislation. We expect that the bill would have little or no effect on total property acquisition costs because so few transactions are likely to involve aliens who reside illegally in this country.

The bill would place a new requirement on state, local, and in some circumstances, tribal entities carrying out programs or projects with federal financial assistance that result in the displacement of persons. As a condition of receiving such assistance, the affected entities would have to determine whether displaced persons are lawfully present in the United States. Based on discussions with the U.S. Departments of Transportation and Housing and Urban Development, the Immigration and Naturalization Service, and affected state and local agencies, CBO estimates that the additional administrative costs to state, local, and tribal governments would be minimal.

On June 20, 1997, CBO prepared a cost estimate for H.R. 849, as ordered reported by the House Committee on Transportation and Infrastructure on June 11, 1997. The two bills are similar and the estimates are identical.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), who can be reached at 226-2860, and Kristen Layman (for the state and local impact), who can be reached at 225-3220. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered

The amendment (No. 1617) was agreed to.

The bill (S. 1258), as amended, was passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.**

Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

**“SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.**

“(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

“(b) DETERMINATIONS OF ELIGIBILITY.—

“(1) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a).

“(2) CONTENTS OF REGULATIONS.—Regulations promulgated under paragraph (1) shall—

“(A) prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

“(B) prohibit a displacing agency from discriminating, against any displaced person;

“(C) ensure that each eligibility determination is fair and based on reliable information; and

“(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

“(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person would be eligible for the assistance but for subsection (a).

“(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law.”.

**SEC. 2. DUTIES OF LEAD AGENCY.**

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities for displacing agencies, information developed with the Attorney General (acting through the Commissioner) on proper implementation of section 104;

“(3) ensure that displacing agencies implement section 104 fairly and without discrimination in accordance with section 104(b)(2)(B);”.

# PERMISSION TO CONVEY CERTAIN LANDS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1347, and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1347) to permit the City of Cleveland, Ohio to convey certain lands that the U.S. conveyed to the city.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The bill (S. 1347) was passed, as follows:

S. 1347

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. DEFINITIONS.

For purposes of this section, the term "fair market value" shall have the meaning provided that term by the Secretary of Transportation, by regulation.

## SEC. 2. AUTHORITY TO GRANT WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to section 47153 of title 49, United States Code, and section 3, the Secretary of Transportation may waive any of the terms contained in the deed of conveyance described in subsection (b).

(b) DEED OF CONVEYANCE.—The deed of conveyance described in this subsection is the deed of conveyance issued by the United States and dated January 10, 1967, for the conveyance of lands to the city of Cleveland, Ohio, for use by the city for airport purposes.

## SEC. 3. CONDITIONS.

(a) FAIR MARKET VALUE OR EQUIVALENT BENEFIT.—As a condition to receiving a waiver under this section, the city of Cleveland, Ohio, may convey an interest in the lands described in section 2(b) only if the city receives, in exchange for the interest—

(1) an amount equal to the fair market value of the interest; or

(2) an equivalent benefit.

(b) USE OF AMOUNTS OR EQUIVALENT BENEFITS.—Any amount or equivalent benefit that is received by the city of Cleveland shall be used by the city for—

(1) the development, improvement, operation, or maintenance of a public airport; or

(2) lands (including any improvements to those lands) that produce revenues that are used for airport development purposes.

## MEASURE PLACE ON THE CALENDAR—S. 1414

Mr. CRAIG. Mr. President, I ask unanimous consent that S. 1414 be read for a second time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1414) to reform and restructure the processes by which tobacco byproducts are manufactured, marketed and distributed to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Mr. CRAIG. I object to further consideration.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations which are at the desk: Joseph Brame and Sarah Fox.

I further ask unanimous consent that the Labor Committee be discharged from further consideration of Peter Hurtgen and Wilma Liebman and the Senate proceed to these nominations en bloc. 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 be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

### NATIONAL LABOR RELATIONS BOARD

Peter J. Hurtgen, of Florida, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2001.

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the remainder of the term expiring December 16, 1997.

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2002.

Joseph Robert Brame, III, of Virginia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2000.

Sarah McCracken Fox, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 1999.

### NATIONAL LABOR RELATIONS BOARD

Mr. KENNEDY. Mr. President, the long impasse over the membership of the National Labor Relations Board is finally broken. For the first time since August 1995, the Board will have a full complement of five confirmed members. As a result, the Board will have additional resources to handle the many important cases on its docket. There will be greater certainty in industrial relations, which is good for labor, good for management, and good for the country.

The nominees to be confirmed represent a balanced and fair package. The two Republican nominees, Peter Huertgen of Miami and J. Robert Bram

III of Charlottesville, VA, are distinguished management lawyers, with many years of experience in Federal court in the NLRB litigation, and I know they will make a significant contribution as members of that Board.

There are also two Democratic nominees, Wilma Liebman and Sarah Fox, both of Washington, DC. Ms. Liebman has served as Deputy Director of the Federal Mediation and Conciliation Service since 1994, and she has done an outstanding job. She helped to resolve dozens of disputes between labor and management, and worked effectively to administer the operations of the FMCS. Ms. Liebman also has extensive experience representing labor unions and their members. She brings a wealth of knowledge of labor-management relations to this position, and I am confident she will serve with great distinction on the Board.

I am particularly pleased that the Senate will finally confirm the nomination of Sarah Fox, who is well known to many of us in the Senate. From 1990 until January 1996, she served as counsel on the Labor Committee staff, and she did an extraordinary job on issues of vital importance to working families, especially in areas such as job safety and health, pension rights, fair wages, and reform of job training programs and the Davis-Bacon Act. She worked well with Senators on both sides of the aisle, and has been serving as a recess appointee on the Board. I have great respect to Sarah's ability, an commitment to public service, and I'm delighted by her confirmation.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate consider the following nominations on the Executive Calendar. Calendar items 180, 181, 248, 252, 332, 375, 384, 455, 457, 464, 467, 468, 469 through 483 and all other military nominations reported by the Armed Services Committee today.

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 be printed in the RECORD, the President be immediately notified of the Senate's actions, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

### LEGAL SERVICES CORPORATION

Ernestine P. Watlington, of Pennsylvania, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999.

John T. Broderick, Jr., of New Hampshire, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1999.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Olivia A. Golden, of the District of Columbia, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Nancy-Ann Minn Deparle, of Tennessee, to be Administrator of the Health Care Financing Administration.