

American Government, and a true friend to the community around him. He will be sorely missed—not only by his children, grandchildren, and great-grandchildren, but also by us.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:32 p.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 joint resolution, without amendment:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

The message also announced that the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. STARK, Mr. HAMILTON, Mr. HINCHEY, and Mrs. MALONEY.

The message also announced that the House has passed to the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

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H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 750. An act to support the autonomous governance of Hong Kong after its revision to the People's Republic of China.

H.R. 914. An act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures.

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

ENROLLED JOINT RESOLUTION SIGNED

At 6:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed subsequently, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 497. An Act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Affairs.

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

H.R. 63. An Act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources.

H.R. 649. An Act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974; to the Committee on Energy and Natural Resources.

H.R. 651. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 652. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 709. An Act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 750. An Act to support the autonomous governance of Hong Kong after its revision to the People's Republic of China; to the Committee on Foreign Relations.

H.R. 914. An Act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; to the Committee on Labor and Human Resources.

The following Joint Resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

The following resolution was read and referred as indicated:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin; to the Committee on Foreign Relations.

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-1387. A communication from the Acting Secretary of Energy, transmitting a draft of proposed legislation entitled "The Energy and Conservation Act Amendments of 1997"; to the Committee on Energy and Natural Resources.

EC-1388. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, a status report relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

EC-1389. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a notice concerning the National Guard; to the Committee on Armed Services.

EC-1390. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison; to the Committee on Armed Services.

EC-1391. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC-1392. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-01; to the Committee on Appropriations.

EC-1393. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule relative to single-employer plans, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC-1394. A communication from the Assistant Secretary of Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule relative to migrant and season agricultural worker, (RIN1215-AA93) received on March 11, 1997; to the Committee on Labor and Human Resources.

EC-1395. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of 53 rules including 1 rule relative to food labeling, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC-1396. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to reduction in force, (RIN3206-AH64) received on March 11, 1997; to the Committee on Governmental Affairs.

EC-1397. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of fifteen rules including one rule relative to federal acquisition, received on March 11, 1997; to the Committee on Governmental Affairs.

EC-1398. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification and relative justifications; to the Committee on Foreign Affairs.

EC-1399. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-21, received on March 10, 1997; to the Committee on Finance.

EC-1400. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-15, received on March 11, 1997; to the Committee on Finance.

EC-1401. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997, referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs and to the Committee on the Judiciary.

EC-1402. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Office of the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled "Summer Flounder Fishery" (RIN0648-XX76A165) received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1406. A communication from the Archivist of the United States, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1407. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

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-41. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Governmental Affairs.

SENATE RESOLUTION NO. 18

Whereas, in spite of the constitutional recognition of the authority of states, Congress, using its authority to regulate commerce among the states, has repeatedly preempted state laws. Congressional actions affecting state laws involve many issues, including health, transportation, communications, banking, environment, and civil justice. These actions have reduced the states' ability to respond to local needs; and

Whereas, more than half of all federal laws preempting states have been enacted by Congress since 1969. This trend has intensified an erosion of state power that leaves an essential part of our constitutional structure—federalism—standing precariously; and

Whereas, the United States Constitution anticipates that our American federalism will allow differences among state laws. This structure expects people to seek change through their own state legislative bodies without federal legislators from other states imposing national laws; and

Whereas, the relationship between the states and the federal government established in the "Supreme Law of the Land" is predicated on the states having genuine authority and powers not usurped at the federal level; and

Whereas, less federal preemption means states can act as laboratories for democracy and act on novel social and economic policies without risk to the entire nation; and

Whereas, during the 104th Congress, our federal lawmakers considered legislation to provide specific mechanisms to help protect the authority of the states. This legislation, known as "The Tenth Amendment Enforcement Act of 1996," would have set in place mechanisms for all three branches of the federal government to follow. For example, the legislative branch would be required to include a statement of constitutional authority and an expression of intent. The executive branch agencies would be curbed from exceeding their authority. The judicial branch would defer to state laws where Congress is not clear in its intent to preempt; and

Whereas, legislation like the Tenth Amendment Enforcement Act of 1996 addresses fundamental issues of federalism and is timely and needed. Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to provide for the enforcement of the Tenth Amendment to the United States Constitution; 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.

Adopted by the Senate, February 26, 1997.

POM-42. A Joint Resolution adopted by the Legislature of the State of Wyoming; to the Committee on the Judiciary.

JOINT RESOLUTION NO. 2

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars or twenty thousand dollars for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as represented by their elected State Legislatures; and opposition by a small minority repeatedly has thwarted the will of the People that a Balanced Budget Amendment to the Constitution should be submitted to the States for ratification; and

Whereas, the Legislature of the State of Wyoming prefers that a constitutional convention not be called to address this issue and the implementation of this resolution by Congress will effectively eliminate the necessity for such a convention: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming, That the Congress of the United States expeditiously pass, and propose to the Legislatures of the several States for ratification, an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That the Secretary of State transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Wyoming Congressional Delegation, and the Secretary of State and the presiding officers of both Houses of the Legislatures of each of the other States in the Union.

POM-43. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 14

Whereas, the continuing practice of annual budget deficits has severely hampered our nation's economy. In the years since Congress and the President last provided a balanced federal budget in 1969, our country's debt has skyrocketed. As a result, we must direct badly needed tax dollars to paying interest on our debt instead of utilizing tax dollars to their fullest capability and, ultimately, reducing the tax burden facing our citizens and businesses; and

Whereas, there are a host of benefits to our country to be gained from a balanced budget constitutional amendment. With less demand on credit, interest rates would decline. This would enable individuals to attain worthwhile goals for themselves and their families. Money for homes, cars, and higher education would be more readily available. With the added potential for investment, businesses could expand to provide more and better jobs. Many of the budgetary questions that cloud our future would be answered as we channel funds to far more rewarding endeavors than paying interest on a continual escalation of debt; and

Whereas, the American people, who are accustomed to their state and local governments throughout almost the entire country having to balance their annual budgets, are in favor of similar responsibility in the federal government: Now, therefore, be it