

The law as it is, has been written by Congress and interpreted by the Supreme Court does not thrust this painful choice upon the victims. However, the recent district and appellate court rulings on motions reveal the need to clarify existing law. In this regard, let me specify what the Victims' Rights Clarification Act of 1997 would and would not do.

The law would:

Clarify that a court shall not exclude a victim from witnessing a trial on the basis that the victim may, during the sentencing phase of the proceedings, make a victim impact statement.

Clarify that a court shall not prohibit a victim from making a victim impact statement solely because the victim had witnessed the trial.

Just as importantly, the law would not:

Eliminate a judge's discretion to exclude a victim's testimony that creates unfair prejudice, confuses the issues, or misleads the jury.

Attempt to strip a defendant of his or her constitutional rights.

Overtake any final judicial rulings.

The defendants in the Oklahoma City bombing case have argued to the court that, despite the victims' rights laws, the court has the responsibility to safeguard against any identifiable risk that emotion could overwhelm reason when the victims provide their victim impact testimony. According to the defendants, the only way that the court can meet this responsibility is to provide the victims with the Hobson's choice of witnessing the trial or providing victim impact statements. However, to paraphrase Justice O'Connor's eloquent statement in the *Payne versus Tennessee* case, the possibility that evidence may in some cases be unduly inflammatory does not justify a prophylactic, constitutionally based rule that this evidence may never be admitted.

It is for this reason that I am joining my cosponsors to clarify what rights victims in this country should and do have. There is more that needs to be done in this regard, but with this bipartisan legislation, we are taking an important and timely step in the right direction.

#### ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 101

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 101, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 139

At the request of Mr. FAIRCLOTH, the name of the Senator from Indiana [Mr.

COATS] was added as a cosponsor of S. 139, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 235

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 235, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

#### ADDITIONAL STATEMENTS

##### NUCLEAR WASTE POLICY ACT OF 1997

• Mr. DORGAN. Mr. President, yesterday the Senate Energy Committee voted to approve the Nuclear Waste Policy Act of 1997, S. 104, which would establish the construction of an interim facility to store spent nuclear fuel and high-level nuclear waste produced by the electric industry and by the military.

As a member of the Energy Committee, I voted against S. 104 for two reasons. First, I think today's markup of this legislation was premature. Only 2 days ago the Senate voted to confirm the new head of the Energy Department, Secretary Federico Peña. Clearly Mr. Peña hasn't had an opportunity to fully examine this complex issue. He will need some additional time to study S. 104 and offer his views and recommendations about it. Second, I still have some concerns about whether this bill will facilitate or frustrate getting

approval for a permanent disposal site of our Nation's spent nuclear fuel.

Having said this, I want my colleagues to understand that I think that this is an issue that needs immediate attention. The administration and Congress must sit down to negotiate a final solution to this problem as soon as possible. I hope some compromise can be reached that will allow me to vote for this legislation on the Senate floor. •

##### AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

Mr. JOHNSON. Mr. President, I want to express my strong support for the American Indian Transportation Improvement Act introduced by Senator DOMENICI. I am an original cosponsor of this bill because I feel strongly that the BIA and other Federal agencies must prioritize programs which develop infrastructure on reservations, and that the Congress must match those commitments with adequate funding. I know first hand the desperate need for road improvement and repair on South Dakota's Indian reservations, and I believe increased funding for road infrastructure must be a national priority.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50 percent. Yet economic depression on rural Indian reservations is not unique to my State. I strongly believe that road infrastructure is an integral and most basic component to economic development for Indian and non-Indian communities alike.

Senator DOMENICI's initiative increases funding for reservation roads through the existing Indian Reservation Roads [IRR] Program. This program returns a portion of the gasoline tax, paid by every Indian who buys gasoline, to Indian tribes for the design and construction of BIA roads. This bill also expands opportunities under the IRR Program and related ISTEA programs to improve the transportation system on our Nation's Indian reservations, including bridge construction, transit systems, highway enhancements, scenic byways, and Indian technical centers.

In South Dakota, BIA proposed funding for 1997 is 24 percent lower than 1996. Yet abysmal road conditions continue to worsen. There are nearly 8,000 miles of roads in my State, 1,156 miles of which are on reservations. Of these roads, 80 percent are in need of complete replacement. Another 10 percent

are in need of significant repair. Only 10 percent of all the roads on South Dakota reservations are rated in good condition. Road statistics like these are repeated in state after state, and I believe immediate action must be taken.

I encourage my colleagues to join me in supporting this bill for a number of reasons, the most serious of which is health and safety. From 1992 to 1996, the death rate on South Dakota reservation roads was three times as high as the rate on non-reservation roads. Children who ride buses to school are put at great risk as these buses travel over dilapidated road infrastructure, while ambulances and other emergency vehicles have to be routed around otherwise direct routes to and from emergency situations because of road conditions. The extra moments, even hours added to these emergency runs put human life in jeopardy. No community in this country should be forced to travel on roads as damaged and dangerous as those on reservations in my State.

Mr. President, I am extremely pleased that my colleague has recognized the national need to improve roads in Indian country. Senator DOMENICI has developed this legislation in close consultation with Indian leaders, and I am hopeful that the Senate will move the American Indian Transportation Improvement Act forward as quickly as possible.●

#### TRIBUTE TO SUSAN HOECHSTETTER

● Mr. INOUE. Mr. President, I rise today to pay tribute to Susan Nan Hoechstetter, a social worker with whom I have been privileged to work with for many years. Throughout her 13 years of employment with National Association of Social Workers [NASW], Sue Hoechstetter tenaciously promoted the social work profession and advocated for social policy that recognizes the responsible role of government in assisting individuals, families, and communities to work together and address their common needs.

When Sue first began representing the interests of social workers before the U.S. Congress, very few Federal statutes directly acknowledged the significant role of professional social workers in providing health, mental health, and counseling services. Now, however, through Sue's able leadership, all Federal insurance programs that authorize the provision of mental health care services, including Medicare, the Federal Employee Health Benefits Program, and the Civilian Health and Medical Program of the Uniformed Services, recognize the ability of clinical social workers to independently diagnose and treat mental illness. Additionally, clinical social workers are now identified as health professionals through title VII of the Public Health Service Act, and school social workers are acknowledged as

key members of the pupil services team through various educational programs.

During Sue Hoechstetter's tenure, the National Association of Social Workers also provided leadership in promoting progressive social policy. Family and medical leave, health care reform, improved staffing and training in the child welfare system, and the development of Federal managed care standards are just a few of the proactive policies that NASW advocated under her direction.

In recent years, Sue and the association have devoted considerable energy in an attempt to preserve the entitlement for children under the Aid to Families with Dependent Children Program, as well as to preserve the financial and program integrity of the Medicaid and Medicare Programs.

Sue Hoechstetter has never represented a high-powered firm, has never enjoyed the luxury of having a host of assistants to support her work, and has never received great financial reward for her efforts. I suspect that Sue would not recognize an alligator shoe if she saw one. Yet, I believe it is absolutely essential that Sue Hoechstetter and others who share Sue's values continue their work educating the Congress. Our representative form of government requires the active engagement of competing interests in the formulation of Federal policy, and I am very glad that professionals like Sue Hoechstetter promote social policies that support the common good and help people in need participate in the process.

I am deeply saddened that Sue will no longer be representing the interests of the National Association of Social Workers. Her contribution to the association has been considerable. However, I am very pleased that Sue will continue to pursue her interests in increasing citizen participation in the political process. I wish her the very best.●

#### CONGRATULATIONS TO THE REGENT-NEW ENGLAND BASKETBALL TEAM

● Mr. DORGAN. Mr. President, the Regent, North Dakota basketball team is going to the State basketball tournament for the first time ever.

Well, technically, it's the Regent-New England basketball team, but it's all the same to me. These young boys from Hettinger County who play on the Regent-New England basketball team have made this Regent High School graduate enormously proud.

You don't have to come from a big school to have big talent or a big heart and that's what these young men are proving.

I don't know who will win the North Dakota State class B tournament but I did want to share my excitement about the achievements of Curt Honeyman and his team of outstanding young men.

There are no mountains in Hettinger County, but these young men found a goal and have climbed their personal mountain to reach their pinnacle of success. It is a thrill they and everyone around the county will never forget, and I wanted to share that thrill with my colleagues in the Senate.●

#### COMMENDING THE CHAIR OF THE U.S. SURFACE TRANSPORTATION BOARD, LINDA J. MORGAN

● Mr. HOLLINGS. Mr. President, today, I am pleased to commend Linda J. Morgan, the Chair of the U.S. Surface Transportation Board [STB], for her leadership in facilitating the discussions that have led to a possible settlement among the three major eastern rail carriers that would end the bitter, long, and costly merger fight between the Norfolk Southern, CSX, and Conrail Railroads. For months the Nation has witnessed the spectacle of these three giants trying to gain an advantage over each other and access to almost 4 billion dollars' worth of annual rail freight. This merger fight was shaping up to be a battle costing millions of dollars with no end in sight. And certainly there was no guarantee that the American consumer would be better at the end of the struggle than they were at its beginning.

Ms. Morgan's service to this Nation is two fold. First, there was her simple, and very wise, suggestion to the parties that a settlement between the parties ending this fight would probably be preferable to having the Government step in and end the fight. Second, there was her astute suggestion that gaining rail competition in the Northeast should be an important goal in any final decision by the STB, which must approve any merger.

It is important to note that many interested parties appreciated her candor and attention to the people's welfare. State agencies in the Northeast had urged a negotiated solution that would encourage more competition. Certainly, shippers have long seen the need for more competition in moving cargo through the largest North American consumer markets. The Journal of Commerce was moved to editorialize on [March 6, 1997] that the agreement spurred by Chairman Morgan's comment "makes good business sense" and that "Ms. Morgan showed a deft touch, hinting at regulators' views without compromising her objectivity about a case that hadn't yet been filed."

Let me close by saying that Linda Morgan's deft touch has given consumers and shippers some hope that they will come out ahead after any merger. It's a view that was articulated in The Journal of Commerce: "The deal \* \* \* will provide effective rail freight competition into New York \* \* \* (and) offers more competitive service in other cities—among them Baltimore, Philadelphia, Wilmington and Pittsburgh \* \* \*" I offer my thanks to Ms. Morgan, a fine example of a dedicated and effective public servant.●