having the opportunity to implement the things that we have been talking about in general terms for the last several years.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

Mr. President, I send a bill to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. FORD pertaining to the introduction of S. 201 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

BRINGING UTAH'S CENTENNIAL TREE TO THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I join the millions of Americans whose holidays were made just a little brighter this year by the sight of the magnificent 70-foot Engleman Spruce from Utah's Manti-LaSalle National Forest.

I speak not only of those fortunate enough to see the tree in Washington, but of others who saw this giant tree of the great American west pass through their cities and towns en route to Washington. Like the relay that brought the Olympic flame to Atlanta, the journey for Utah's centennial Christmas tree required no less in the way of planning and cooperation.

Many individuals and organizations contributed to this project. In a true holiday spirit, Mack trucks, which has a subsidiary in Pleasant Grove, UT, generously transported this special tree, along with 40 smaller trees to be displayed at other sites in the Nation's Capital, the 2,000 miles to Washington.

Stops along the way included Salt Lake City, UT; Cheyenne, WY; Spearfish, Rapid City, Pierre, and Sioux Falls, SD; LaCrosse, WI; South Bend, IN; Pittsburgh and Allentown, PA; and Hagerstown, MD. At each stop, people came out to see this great symbol of the season and to spread holiday cheer and good will.

At its final destination, in Washington, on the west lawn of the U.S. Capitol, the tree was appropriately welcomed with holiday carols sung by the Salt Lake Symphonic Choir and the Congressional Chorus. Speaker GINGRICH'S two nieces threw the switch that illuminated this spectacular Christmas tree. The staff of the Architect of the Capitol should be commended for the wonderful job they did erecting the tree and decorating it with the ornaments made by Utah's children.

Mr. President, Utah takes special pride in having provided the national holiday tree from its soil, particularly during the year commemorating our centennial anniversary as a State. And, we were proud that Utah's history was also a part of this holiday display. Under the tree was a miniature railroad to commemorate another great Utah event: the joining of the Nation's railway system with a golden spike at Promontory, UT, in 1869. Those who conceived and constructed these railroad cars did a fantastic job.

Finally, Mr. President, I want to reiterate a special note of thanks to the organizations and companies that worked diligently to make the tree the great success that it became. They include the many local communities surrounding Orem, UT; Utah's U.S. Forest Service personnel; the Utah Automotive Club; and such corporate sponsors as Mack trucks, D.M. Bowman, Inc.; Poulan weedeater; and the Hale Brake and Wheel Co. Few efforts like this are successful without the support of the community, and these organizations among many others helped to make Utah's centennial tree to the District of Columbia project possible.

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–841. A communication from the Director of the Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, a rule entitled ''Defense Acquisition Regulation Supplement'' received on January 21, 1997; to the Committee on Armed Services.

EC–842. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled ''Linking Legacies: Connecting the Cold War Nuclear Weapons Production Process to Their Environmental Consequences''; to the Committee on Armed Services.

EC–843. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–844. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to grapes, received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–845. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to olives, received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–846. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Florida grapefruit, received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself and Mr. WYDEN):

S. 200. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 201. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 202. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 203. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local government of certain surplus property for use for law enforcement or public safety purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. LEVIN, and Ms. MOSELEY-BRAUN):

S.J. Res. 11. A joint resolution commemorating ''Juneteenth Independence Day,'' June 19, 1865, the day on which slavery finally came to an end in the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, and Mr. BYRD):

S. Res. 23. A resolution designating Alan Scott Frumin as a Parliamentarian Emeritus; considered and agreed to.

By Mr. INOUYE:

S. Res. 24. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. Res. 25. A resolution to express the sense of the Senate that the United States Postal Service should issue a series of stamps highlighting achievements of young Americans, including Samantha Smith of Manchester, Maine, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. WYDEN):

S. 200. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes;

to the Committee on Energy and Natural Resources.

THE COLUMBIA RIVER HANFORD REACH PROTECTION ACT OF 1997

Mrs. MURRAY. Mr. President, I rise today to introduce a bill that, in one act, will do more to protect and restore the threatened salmon runs on the Columbia River than anything else this Government has tried. This bill will designate the last free-flowing stretch of the Columbia River, the Hanford Reach, as a recreational river under the Wild and Scenic Rivers Act.

The bill I introduce today, with Senator RON WYDEN, is identical to S. 1489, my bill from the 104th Congress. That bill was developed with a broad spectrum of local interests who worked for months to create a bill with widespread support. While the 104th Congress did not take action on this bill, I feel confident that my colleagues of the 105th Congress will see the tremendous economic and environmental benefits of designating the reach a wild and scenic river and will help me pass this important legislation.

Much has happened in the year since I introduced S. 1489. Most important, the scientific community has verified what many locals already knew: The Hanford Reach will make an enormous contribution to salmon recovery on this embattled river. The Independent Scientific Group [ISG], an expert panel of fisheries scientists, reviewed the full range of salmon recovery programs now in place on the Columbia River. The ISG concluded that the Hanford Reach will be critical to our efforts to recover salmon throughout the Columbia Basin. It suggested that chinook salmon from the reach may serve as a core population from which adults could stray to upstream and downstream tributaries and, given good conditions, may reestablish lost or declining runs.

In this last year, we have fostered a growing consensus that the reach is too precious to risk harming. The Governors of the three States of Washington, Oregon, and Alaska recommended protection for the reach, citing it as critical to maintaining healthy stocks of salmon vital to sustaining the region's fishing economy. The Northwest Power Planning Council has endorsed designation of the reach as a wild and scenic river. Likewise, a number of tribal governments have supported continuing Federal protection of the Reach. Many other wildlife and conservation groups, including Trout Unlimited, the Nature Conservancy, American Rivers, and the Audubon Society have recognized the importance of this stretch of the Columbia and have joined the effort to save it. Finally, newspapers in Seattle, Portland, Yakima, and elsewhere have endorsed wild and scenic designation.

Let me remind my colleagues of the splendors of this 50-mile section of the river. While most of the Columbia River Basin was being developed for agriculture, hydroelectricity, and other economic activities, the Hanford Reach and other buffer lands within the Hanford Nuclear Reservation were kept pristine. Ironically, it was the veil of secrecy and security surrounding the Manhattan project that simultaneously protected the now scarce shrub-steppe ecosystem and created tremendous nuclear and chemical contamination. Fortunately, the arid land, the river's tremendous volume, and new cleanup and restoration technology has minimized the harm done to this vital river.

And vital it is. Its free-flowing nature provides superb habitat that produces 80 percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. It is the only truly healthy segment of the mainstem of the Columbia River. As the Pacific Northwest is struggling to restore declining salmon runs—and spending hundreds of millions of dollars annually to do so—protecting the Hanford Reach is the most cost-effective step we can take since it is already federally owned.

The reach is also rich in other natural and cultural resources. Bald eagles, wintering and migrating waterfowl, deer, elk, and a diversity of other wildlife depend on the reach. It contains dozens of rare, threatened, and endangered plants and animals. Biologists have identified several new plant species that they believe are unique and found only on lands near the reach.

This part of the Columbia Basin is also of great importance to native Americans, who have lived along the shores and islands of the reach for millennia. There are over 150 archaeological sites along the Hanford Reach, some dating back more than 10,000 years. The reach's naturally spawning salmon remain a vital part of the modern culture and religion of native Americans in the area.

Another area of importance within the reach is the White Bluffs. These fragile cliffs offer dramatic scenery, unique habitat, and fascinating geologic history. Unfortunately, a downstream section of the bluffs has been impacted by irrigation water flowing through the unstable Ringold formation sediments causing it to slide into the river, smothering spawning beds, reducing water quality, and deflecting the course of the river. Should these slumps continue or migrate upstream, some scientists fear the river could become contaminated when it is pushed onto the nuclear reactors lining its south shore. Wild and scenic river designation might help prevent such catastrophes.

The reach also provides an abundance of recreational opportunities. It is very close to the tri-cities of Kennewick, Pasco, and Richland, WA, and several hours drive from the major urban centers of Seattle and Portland. It affords residents and visitors opportunities to hunt, boat, fish, hike, kayak, water ski, bird watch, or simply relax and enjoy the solitude. The reach adds tremendously to the quality of life—and economy—of the area.

It is because of the reach's importance to the local residents and economy that I convened a diverse group of area citizens in 1995 to develop this bill that I reintroduce today. This Hanford Reach Advisory Panel had a wide array of interests and concerns that we addressed in this bill. For example, there was a concern about the potential impact a wild and scenic river designation could have on the traditional uses of the water and nearby lands. So, the panel incorporated specific language to protect current economic activities, such as agriculture, power generation and transmission, and water withdrawals. This bill excludes the 3 percent of private property recommended in the National Park Service's Record of Decision in order to honor the request of those private land owners. The legislation also guarantees that local government and interests have a formal role in the management of the river corridor, which will come under the jurisdiction of the U.S. Fish and Wildlife Service.

In addition, this bill includes the advisory panel's recommendation that the Secretary of the Interior and relevant Federal agencies work with local and State sponsors to develop a program of education and interpretation related to the Hanford Reach. The city of Richland and area tribes, among others, have been working with the Department of Energy on a museum and regional visitor center proposal and are eager to make the natural and human history of the reach part of the project.

This legislation includes provisions urged by the advisory panel to improve the habitat value, access, and appearance of the Columbia River shoreline in the tri-cities' area. Much of the rivershore is now lined with high, steep levees that were put in place before the network of dams controlled the flow of the river and reduced the need for such flood control structures. This bill directs the Army Corps of Engineers, which built, owns, and maintains the levees, to coordinate with local sponsors on demonstration projects to restore the rivershore. The bill directs the corps to undertake some small levee modification projects in partnership with Kennewick, Pasco, and the Port of Kennewick in the short-term. For the longer term, the corps is directed to undertake a comprehensive study of the levees and determine if rivershore restoration is feasible and should become a Federal priority.

Mr. President, let me conclude by again thanking my Hanford Reach Advisory Panel and reiterating to my colleagues the importance of protection of the Hanford Reach. The reach is the last free-flowing section of the mighty Columbia and as such produces outstanding salmon habitat, superb recreational opportunities, and vital economic benefits. I urge my colleagues to take speedy action, pass this important bill and permanently protect the Hanford Reach as a wild and scenic river.

By Mr. FORD:

S. 201. A bill to provide for the establishment of certain limitations on advertisements relating to, and the sale of, tobacco products, and to provide for the increased enforcement of laws relating to underage tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOBACCO PRODUCTS CONTROL ACT OF 1997

Mr. FORD. Mr. President, pertaining to that bill I have just sent to the desk, Mark Twain used to tell the story about a businessman known for his ruthlessness. The man once told him that before he died he wanted to make a pilgrimage to the Holy Land, climb Mount Sinai, and read the Ten Commandments aloud at the top. ''I have a better idea,'' Twain said. ''Why don't you stay home and keep them.''

As I reintroduce my legislation to combat youth smoking, that is the same message I would like to send to the antitobacco zealots. They are more than happy to shout from the mountaintop their message against youth smoking, but I have a better idea—sit down and make it happen.

The antitobacco advocates talk forcefully about the numbers of teenagers who begin smoking every day. In citing those figures, those advocates are nothing short of negligent if they reject my legislation and allow this issue to be delayed indefinitely by a court fight. They will clearly be choosing delay over compromise, self-promotion over certain progress.

The fact of the matter is that while they are willing to spend millions of dollars on glitzy ad campaigns, they are not willing to spend any energy forging a compromise. They will not even come to the table. That kind of hardheadedness may mean they can enjoy the limelight a little bit longer, but what about the kids they say they want to protect?

Back in August, just a day after receiving word that the administration was set to sign off on FDA's new regulations on youth smoking, I stood before a gathering of the Kentucky State Farm Bureau and told them that this was an issue that would be decided either in the courts or in Congress. I told them that without a doubt, the voice of the Kentucky farmer stood a much better chance of being heard in Congress.

But, what my colleagues and the American people need to understand is that our children also stand a much better chance if we solve it in Congress. That is why I am back to reintroduce legislation to solve the problem of youth smoking.

Why legislation over regulation? Because FDA regulation is tantamount to years of court wrangling, creates an entire new bureaucracy at a time of Government downsizing, and perhaps most disturbing to farmers, goes well beyond what is needed to target youth smoking.

The Federal Register notice accompanying the regulation says, ''FDA intends to classify cigarettes and smokeless tobacco at a future time, and will impose any additional requirements that apply as a result of their classification * * *'' If farmers look to FDA interpretation of that language, they see a grim future for tobacco. Bringing in the FDA also creates a whole new bureaucracy when tobacco is already regulated by at least seven Federal agencies. Listen to these. They are regulated by USDA, they are regulated by HHS, BATF, IRS, SAMHSA, EPA, and FTC.

If you want to know all those initials, I would be glad to do that. SAMHSA is important. That is the so-called Synar amendment, our departed colleague from Oklahoma, that he passed, as it related to youth smoking and set up criteria for States. My State has passed a law to meet the requirements of the SAMHSA legislation produced for and by our late, departed Congressman. My legislation seeks to reach the same goal, but under the framework already in place, which is the SAMHSA law.

But what should be most disturbing to all Americans about taking the regulatory route is the fact that the regulation will amount to nothing more than rhetoric, because it will inevitably be tied up in court for years and years over constitutional questions. What this problem calls for is reason, not more rhetoric. That is why I introduced legislation last year, and that is why I am introducing legislation this year.

My legislation represents serious, enforceable measures to combat teenage smoking. But it does not interfere with the legal, private decisions of adults, nor does it trample on the first amendment's protection of free speech. The same cannot be said for FDA regulations, which have already sent advertising, tobacco industry and FDA lawyers scrambling to the courts, setting up for lengthy legal challenges, where the fight will go on for years and years.

Even if FDA jurisdiction is upheld in the pending North Carolina lawsuit, litigation is still sure to go for years and years, with the problem of teen smoking continuing unabated.

My legislation is an effort to reach what I believe should be our common goal, reducing youth smoking, but reaching that goal within the limits set down by the Constitution, without creating a new bureaucracy, and most important, reaching it today rather than tomorrow.

The bill I introduced last year and the bill I am introducing today would ban outdoor advertising of cigarettes and smokeless tobacco products within 500 feet of schools, prevent advertising of cigarettes and smokeless tobacco products in publications with any significant youth subscribership, and prohibit sampling of cigarettes and smokeless tobacco products to young people.

I believe the bill I introduced last year was sufficient to reach our common goal. However, this year I have broadened that legislation to accommodate many of the other provisions of the FDA regulations, including a ban on advertising at sports and entertainment events attended by youth, and requiring the presentation of photo ID for the purchase of tobacco products. Many of our stores today are requiring photo ID. This will make it a law that they must present a photo ID for the purchase of tobacco products.

In many areas, my legislation actually goes beyond FDA regulations. For example, my bill bans both paid tobacco advertisements or props in movies and cigarettes or smokeless tobacco advertising in videos, video game machines, or family amusement centers.

My legislation this year is different from last year's legislation in one other important way. I believe it can represent a bipartisan effort to solve the problem. In the end, that might be the most important difference because, as my colleagues are well aware, no major tobacco legislation has ever been approved without bipartisan support.

Mr. President, antitobacco advocates—Democrats and Republicans—all share a common goal: reducing the number of youths smoking. If we put our collective efforts together resolving that problem rather than advancing personal agendas, I believe we can solve the problem. I look forward to doing so this year in the spirit of bipartisanship and cooperation.

Mr. President, I know that I am suspect because I am here representing a tobacco-growing State. But let me tell you that the University of Kentucky commissioned a poll, and almost 90 percent of the people in my State oppose youth smoking. I am not here representing just tobacco people, I am here representing my constituents who say that youth should not smoke.

All we are trying to do is make it an adult decision, trying not to create another layer of bureaucracy to stop youth smoking sooner than later. If these people who are antitobacco or antismoking want to really help, come to the table. Let's sit down and work these things out. Put it into law. The President will sign it, I have no question about that. But if we send this to the President, we get it signed, and it goes into force, we can stop it sooner than later. Five years from now it will still be in court. We have had some first-amendment questions before the Court recently—last year—that shook up the whole thrust of the FDA regulations.

So I am here with an honest effort, only armed with the silver tongue of the truth, as I have heard it said, but I would like for everyone to know that this is a serious, honest effort on behalf of my constituents and on behalf of the youth of this country that we get on with the business that we were sent here to do and to make this effort meaningful, and meaningful in the direction I think all of us want to go.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 201

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tobacco Products Control Act of 1997''.

SEC. 2. AMENDMENT TO FEDERAL CIGARETTE LABELING AND ADVERTISING ACT.

The Federal Cigarette Labeling and Advertising Act is amended by inserting after section 7 (15 U.S.C. 1335) the following:

''ADDITIONAL ADVERTISING RESTRICTIONS

''SEC. 7A. (a) BILLBOARDS.—

''(1) IN GENERAL.—It shall be unlawful to advertise cigarettes on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any advertisement that is nonbrand name specific if such advertisement is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

''(b) PERIODICALS.—It shall be unlawful to advertise cigarettes in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total subscribership of such publication as certified by the publisher. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

''(c) STADIA AND ARENAS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful to advertise cigarettes in any arena or stadium where amateur or professional sporting events or activities occur.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any advertisement that—

''(A) is contained in a program distributed at a sporting event;

''(B) is displayed at a concession stand that sells cigarettes; or

''(C) is displayed during a sporting event where the sponsor of the event involved has, prior to the event, provided the Federal Trade Commission with a certification that at least 75 percent of the attendees of such event are age 18 or older.

''(d) LICENSING PAYMENTS.—

''(1) IN GENERAL.—No payment shall be made for the use of a trade or brand name of a nontobacco product as the trade or brand name for a cigarette.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a cigarette that uses a trade or brand name if such trade or brand name was used both for a cigarette and a nontobacco product sold in the United States on January 1, 1995.

''(e) TRANSPORTATION ADVERTISEMENTS.—It shall be unlawful to advertise cigarettes in or on taxis, buses, trains, or in subway, bus, or train stations, terminals, or platforms unless the advertisement is displayed at a site where cigarettes are sold.

''(f) MOTION PICTURES.—No payment shall be made by any cigarette manufacturer or any agent thereof for the placement of any cigarette, cigarette package, or cigarette advertisement as a prop in any motion picture produced for viewing by the general public.

''(g) VIDEO GAMES.—No cigarette brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of family amusement centers.

''(h) DEFINITIONS.—As used in this section—

''(1) AMUSEMENT RIDE OR ATTRACTION.—The term 'amusement ride or attraction' means—

''(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

''(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Federal Trade Commission.

''(2) FAMILY AMUSEMENT CENTER.—The term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions.

''(3) VIDEO GAME.—The term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.''.

SEC. 3. AMENDMENT TO COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986.

The Comprehensive Smokeless Tobacco Health Education Act of 1986 is amended by inserting after section 3 (15 U.S.C. 4402) the following:

''ADVERTISING RESTRICTIONS

''SEC. 3A. (a) BILLBOARDS.—

''(1) IN GENERAL.—It shall be unlawful to advertise a smokeless tobacco product on any outdoor billboard that is located within 500 feet of any public or private elementary or secondary school.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any advertisement that is nonbrand name specific if such advertisement is erected or maintained at street level and affixed to business establishments selling tobacco products at retail.

''(b) PERIODICALS.—It shall be unlawful to advertise any smokeless tobacco product in a newspaper, magazine, periodical or other publication if the subscribers of such publication who are under the age of 18 years constitute more than 15 percent of the total subscribership of such publication as certified by the publisher. The Federal Trade Commission shall annually publish a list of the publications that are subject to this subsection.

''(c) STADIA AND ARENAS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful to advertise smokeless tobacco product in any arena or stadium where amateur or professional sporting events or activities occur.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any advertisement that—

''(A) is contained in a program distributed at a sporting event;

''(B) is displayed at a concession stand that sells smokeless tobacco product; or

''(C) is displayed during a sporting event where the sponsor of the event involved has, prior to the event, provided the Federal Trade Commission with a certification that at least 75 percent of the attendees of such event are age 18 or older.

''(d) LICENSING PAYMENTS.—

''(1) IN GENERAL.—No payment shall be made for the use of a trade or brand name of a nontobacco product as the trade or brand name for a smokeless tobacco product.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a smokeless tobacco product that uses a trade or brand name if such trade or brand name was used both for a smokeless tobacco product and a nontobacco product sold in the United States on January 1, 1995.

''(e) TRANSPORTATION ADVERTISEMENTS.—It shall be unlawful to advertise smokeless tobacco product in or on taxis, buses, trains, or in subway, bus, or train stations, terminals, or platforms unless the advertisement is displayed at a site where smokeless tobacco products are sold.

''(f) MOTION PICTURES.—No payment shall be made by any smokeless tobacco manufacturer or any agent thereof for the placement of any smokeless tobacco product, smokeless tobacco package, or smokeless tobacco advertisement as a prop in any motion picture produced for viewing by the general public.

''(g) VIDEO GAMES.—No smokeless tobacco product brand name or logo shall be placed in a video or on a video game machine, and no brand name or logo may be placed on or within the premises of a family amusement center.

''(h) DEFINITIONS.—As used in this section:

''(1) AMUSEMENT RIDE OR ATTRACTION.—The term 'amusement ride or attraction' means—

''(A) any mechanized device or combination of devices that carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or

''(B) any building or structure around, over, or through which individuals may walk, climb, slide, jump or move that provides such individuals with amusement, pleasure, thrills, or excitement;

except that such term does not include coin-operated amusement devices that carry no more than 2 individuals, devices regulated by the Federal Aviation Administration, the Federal Railroad Administration (or State railroad administrations), or vessels under the jurisdiction of the Coast Guard (or State division of the water patrol), tractor pulls, auto or motorcycle events, horse shows, rodeos, or other animal shows, games and concessions, nonmechanical playground equipment, or any other devices or structures designated by the Federal Trade Commission.

''(2) FAMILY AMUSEMENT CENTER.—The term 'family amusement center' means an enterprise offering amusement or entertainment to the public through the use of one or more amusement rides or attractions.

''(3) VIDEO GAME.—The term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.''.

SEC. 4. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 1926 of the Public Health Service Act (42 U.S.C. sec. 300x-26) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1998 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that—

''(A) it is unlawful for any manufacturer, retailer, or distributor of cigarettes or smokeless tobacco products to sell or distribute any such product to any individual

under the age of 18, and such manufacturer, retailer, or distributor shall, in all face to face transactions involving an individual who appears to be under the age of 26, verify such age by means of an official (issued by the Federal or State government) photographic identification containing the date of birth of the bearer;

''(B) no person, firm, partnership, company, or corporation shall operate a vending machine which dispenses cigarettes or smokeless tobacco products unless such vending machine is in a location that is in plain view and under the direct supervision and control of the individual in charge of the location or his or her designated agent or employee;

''(C) the restrictions described in subparagraph (B) shall not apply in the case of a vending machine that is located—

''(i) at a private club;

''(ii) at a bar or bar area of a food service establishment;

''(iii) at a factory, warehouse, tobacco business, or any other place of employment which has an insignificant portion of its regular workforce comprised of individuals under the age of 18 years and only if such machines are located in an area that is not accessible to the general public; or

''(iv) in such other location or made available in another manner that is expressly permitted under applicable State law;

''(D) it is unlawful for any person engaged in the selling or distribution of cigarettes or smokeless tobacco products for commercial purposes to distribute without charge any cigarettes or smokeless tobacco products, or to distribute coupons which are redeemable for cigarettes or smokeless tobacco products, except that this subparagraph shall not apply in the case of distribution—

''(i) through coupons contained in publications for which advertising is not restricted under section 7A of the Federal Cigarette Labeling and Advertising Act or section 3A of the Comprehensive Smokeless Tobacco Health Education Act of 1986, coupons obtained through the purchase of cigarettes or smokeless tobacco products, or coupons sent through the mail;

''(ii) where individuals can demonstrate, through a photographic identification card, that the individual is at least 18 years of age;

''(iii) in locations that are separately segregated to deny access to individuals under the age of 18; or

''(iv) through such other manners or at other locations that are expressly permitted under applicable State law;

''(E) it is unlawful to for any manufacturer, retailer, or distributor of cigarettes or smokeless tobacco products to sell or distribute non-tobacco merchandise related to such cigarettes or smokeless tobacco products unless—

''(i) with respect to a face-to-face transactions, the individual is 18 years of age or older as verified, in the case of an individual who appears to be under the age of 26, by means of an official (issued by the Federal or State government) photographic identification containing the date of birth of the bearer;

''(ii) with respect to other transactions, the individual involved provides a signed certification together with a copy of an official (issued by the Federal or State government) photographic identification containing the date of birth of the individual that such individual is 18 years of age or older; and

''(iii) with respect to items of clothing or hats, such clothing or hat is made available in only adult sizes;

''(F) it is unlawful for any manufacturer, retailer, or distributor of cigarettes or smokeless tobacco products to display those products in a manner that causes those products to be accessible to anyone other than an employee of the manufacturer, retailer, or distributor, except that such prohibition shall not apply to a display—

''(i) if the display is located within the physical reach of an employee of the manufacturer, retailer, or distributor working at the normal work station of the employee; or

''(ii) if an employee of the manufacturer, retailer, or distributor is able to monitor the display through the use of in-store mirrors, video cameras, or by other means;

''(G) it is unlawful for any retailer to break or otherwise open any cigarette package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the quantity in the minimum cigarette package size of 20 cigarettes, or any quantity of cigarette tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use; and

''(H) it is unlawful for any retailer to break or otherwise open any smokeless tobacco package to sell or distribute any quantity of smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use.'';

(2) in subsection (a)(2)—

(A) by striking ''1993'' and inserting ''1997'';

(B) by striking ''1994'' and inserting ''1998''; and

(C) by striking ''1995'' and inserting ''1999'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10 percent'' and inserting ''20 percent'';

(B) in paragraph (2), by striking ''20 percent'' and inserting ''40 percent'';

(C) in paragraph (3), by striking ''30 percent'' and inserting ''60 percent''; and

(D) in paragraph (4), by striking ''40 percent'' and inserting ''80 percent'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''1995'' and inserting ''1999''; and

(B) in paragraph (2), by striking ''1994'' and inserting ''1998''; and

(5) by adding at the end the following:

''(e) ENFORCEMENT.—Any amounts made available to a State through a grant under section 1921 may be used to enforce the laws described in subsection (a).

''(f) DEFINITIONS.—As used in subsection (a)(1), the term 'private club' means an organization with no more than an insignificant portion of its membership comprised of individuals under the age of 18 years that regularly receives dues or payments from its members for the use of space, facilities and services.''.

SEC. 5. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 906. PROHIBITION ON REGULATION OF TOBACCO PRODUCTS.

''Nothing in this Act or any other Act shall provide the Food and Drug Administration with any authority to regulate in any manner tobacco or tobacco products (as such terms are defined for purposes of section 5702(c) of the Internal Revenue Code of 1986.''.

Mr. HELMS. Mr. President, Senator FORD's introduction of the Tobacco Products Control Act of 1997 is a good first step toward addressing the problem of youth access to tobacco products. I shall work with Senator FORD and other colleagues in solving it.

Mr. President, the tobacco industry has made it absolutely clear that the choice to smoke must be for adults only to make. There is not one tobacco farmer in North Carolina who approves of children and teenagers smoking.

However, the transparent vendetta waged by overzealous bureaucrats in the Food and Drug Administration against the tobacco family has been outrageous. It is a misguided attempt to expand the jurisdiction of FDA at a time when the agency is clearly failing in its stipulated mission, and is an obvious attempt to usurp congressional authority. Congress has considered—and rejected—numerous FDA attempts to regulate tobacco.

Mr. President, I thank my able colleague, Senator FORD, who has worked so faithfully on behalf of America's tobacco farmers. Once again, I am honored to stand with him.

Mr. FAIRCLOTH. Mr. President, I want to thank Senator FORD for introducing legislation regarding the regulation of tobacco.

With respect to this very controversial issue, let us set one thing straight—no one supports teen smoking. We need to do more to discourage youths from smoking. No one is opposed to reasonable legislation that would curb young people from smoking. That much is clear and everyone agrees on it.

Also, the tobacco companies have pledged that they will do more to curb teen smoking.

What is questionable is the notion of the FDA regulating tobacco as if it were a drug. This is a stretch by anyone's standards. President Clinton has said that the era of big government is over, and yet he has allowed the FDA to vastly increase its regulatory authority. Ask yourselves this question, should the Food and Drug Administration be regulating the color of race cars at NASCAR events? This is no—absolutely no.

What we need is a bill to address the problems of teen smoking, and one that protects small North Carolina farmers. I was not elected to the Senate to see small farmers slide into bankruptcy because of the Clinton administration.

The Ford bill is a good start. I continue to work with Senator HELMS, Senator MCCONNELL, and other Senators to develop a consensus document that can actually pass this Congress.

Our goal here is to get something passed so that we don't set the dangerous precedent of the FDA deciding that some product is suddenly decreed a drug—and that it will now be regulated.

Thank you Mr. President, and thank you Senator FORD for your leadership on this issue.

By Mr. LOTT:

S. 202. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

THE OLDER AMERICANS FREEDOM TO WORK ACT OF 1997

Mr. LOTT. Mr. President, I am reintroducing the Older Americans Freedom To Work Act and request my colleagues' support. This legislation

would remove the limitation on the amount of outside income which Social Security beneficiaries, who have reached retirement age, may earn without incurring a reduction in benefits. It would abolish the onerous earnings best and allow senior citizens to work without being penalized.

As you know, the Social Security retirement earnings test reduces benefits to persons between ages 65 and 69 who earn more than $13,500. These reductions amount to $1 in reduced benefits for every $3 in earnings above the limit.

This limitation is unfair and poses a serious threat to the labor work force. Demographers tell us, that between the years 2000 and 2010, the baby boom generation will be in their retirement years. With fewer babies being born, this Nation is looking at a severe labor shortage. We need the skills, wisdom, and experience of our older workers, and this measure will encourage them to remain in the labor force.

Elimination of the retirement earnings test begins the process of providing employment opportunities for older Americans without punishing them for their efforts. In the 1930's when the earned income limit was devised, encouraging senior citizens to leave the workplace was seen as a positive act, designed to increase job opportunities for younger workers. Today, with our shrinking labor force, such a policy is senseless.

It is a pleasure to again sponsor legislation in the Senate to abolish the onerous retirement earnings test. I urge my colleagues to join me in supporting this vitally important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 202

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Older Americans' Freedom to Work Act of 1997''.

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking ''the age of seventy'' and inserting ''retirement age (as defined in section 216(l))'';

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking ''the age of seventy'' each place it appears and inserting ''retirement age (as defined in section 216(l))'';

(3) in subsection (f)(1)(B), by striking ''was age seventy or over'' and inserting ''was at or above retirement age (as defined in section 216(l))'';

(4) in subsection (f)(3)—

(A) by striking ''33⅓ percent'' and all that follows through ''any other individual,'' and inserting ''50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),''; and

(B) by striking ''age 70'' and inserting ''retirement age (as defined in section 216(l))'';

(5) in subsection (h)(1)(A), by striking ''age 70'' each place it appears and inserting ''retirement age (as defined in section 216(l))''; and

(6) in subsection (j)—

(A) in the heading, by striking ''Age Seventy'' and inserting ''Retirement Age''; and

(B) by striking ''seventy years of age'' and inserting ''having attained retirement age (as defined in section 216(l))''.

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking ''the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable'' and inserting ''a new exempt amount which shall be applicable''.

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking ''Except'' and all that follows through ''whichever'' and inserting ''The exempt amount which is applicable for each month of a particular taxable year shall be whichever'';

(2) in clauses (i) and (ii), by striking ''corresponding'' each place it appears; and

(3) in the last sentence, by striking ''an exempt amount'' and inserting ''the exempt amount''.

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. (f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking ''nor shall any deduction'' and all that follows and inserting ''nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.''; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: ''(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,''.

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(1) by striking ''either''; and

(2) by striking ''or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit''.

(c) APPLICATION TO BLIND BENEFICIARIES.—Section 223(d)(4)(A) of the Social Security Act (42 U.S.C. 423(d)(4)(A)) is amended by striking the second sentence.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1996.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 203. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local government of certain surplus property for use for law enforcement or public safety purposes; to the Committee on Environment and Public Works.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mrs. FEINSTEIN. Mr. President, I rise, for Senator BOXER and myself, to introduce legislation that amends the Federal Property and Administrative Services Act of 1949 to allow the Federal Government to transfer to State and local governments surplus Federal property for use for law enforcement or public safety purposes. This bill expands current authority which restricts this type of property transfer to State and local governments for use only as correctional facilities.

Our law enforcement and public safety officials need the flexibility that this legislation provides. While continuing to allow prisons to be built, this legislation provides communities with the options they need to establish or expand needed law enforcement training facilities, fire fighting academies, and the like given an area's particular need.

The one thing communities need after a military base closure is the flexibility to reuse bases to fulfill their greatest local needs. This bill will continue to facilitate the successful reuse of base realignment and closure sites, like March Air Force Base in California, for civilian and public safety purposes. Fighting crime continues to be a top priority for communities throughout the Nation. It makes sense to allow communities to put former military bases to use in that fight.

I urge my colleagues to cosponsor this legislation. Our communities affected by base closures deserve all options to facilitate successful reuse.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 203

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

SECTION 1. AUTHORITY TO TRANSFER SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES.

(a) IN GENERAL.—Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended by striking ''required'' and all that follows through ''offenders as'' and inserting ''needed for use by the transferee or grantee for a law enforcement or public safety purpose''.

(b) APPLICATION OF LAW TO PRIOR TRANSFERS AND CONVEYANCES.—Section 203(p) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)) is amended by adding at the end the following:

''(4) Any real or related personal property transferred or conveyed under this subsection before the date of the enactment of this paragraph may, with the approval of the Attorney General, be used for a law enforcement or public safety purpose.''.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. LEVIN, and Ms. MOSELEY-BRAUN):

S.J. Res. 11. A joint resolution commemorating Juneteenth Independence Day, June 19, 1865, the day on which slavery finally came to an end in the United States; to the Committee on the Judiciary.

THE JUNETEENTH INDEPENDENCE DAY COMMEMORATION JOINT RESOLUTION

Mr. LOTT. Mr. President, I am pleased to introduce today, on behalf of myself and Senator DASCHLE, the distinguished minority leader, a joint resolution concerning what has long been known as Juneteenth Independence Day.

Joining us as original sponsors of this resolution are Senators LEVIN and MOSELEY-BRAUN, who offered similar legislation in the 104th Congress.

The observance of Juneteenth has long been a tradition among black Americans. It commemorates the days in mid-June, 1865, when news of the end of slavery finally reached frontier areas of the country, especially in the American Southwest.

The African-Americans who then moved into freedom, and began new lives as citizens of the Republic, kept alive the memory of that occasion for their descendants.

Generation by generation, the experiences of the past have been preserved and shared. They have given us lessons in faith, in courage, and in perseverance.

Today, the National Association of Juneteenth Lineage fosters the observance of Juneteenth Independence Day, not only among those families whose ancestors were directly affected by it, but also among the general public. The association will be meeting this year in Dallas from January 23 to January 25.

The introduction of this joint resolution by the two Senate leaders is a timely expression of the Senate's regard and appreciation for the association's efforts.

I should mention that this joint resolution is especially appropriate as we prepare to observe February as Black History Month, which, to borrow the words of the resolution, ''provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our nation.''

With that in mind, I know Senator DASCHLE joins me in inviting our colleagues, from all regions of the country, to cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 11

Whereas news of the end of slavery came late to frontier areas of the country, especially in the American Southwest,

Whereas the African-Americans who had been slaves in the Southwest thereafter celebrated June 19 as the anniversary of their emancipation,

Whereas their descendants handed down that tradition from generation to generation as an inspiration and encouragement for future generations,

Whereas Juneteenth celebrations have thus been held for 130 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom,

Whereas their example of faith and strength of character remains a lesson for all Americans today, regardless of background or region or race, now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the annual observance of June 19 as Juneteenth Independence Day is an important and enriching part of our country's history and heritage, and

That the celebration of Juneteenth provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our nation, and

That a copy of this Resolution be transmitted to the National Association of Juneteenth Lineage as an expression of appreciation for its role in promoting the observance of Juneteenth Independence Day.

Mr. DASCHLE. Mr. President, today we recognize the date upon which slavery finally came to an end in the United States, June 19, 1865, also known as Juneteenth Independence Day. It was only on this day that slaves in the Southwest finally learned of the end of slavery. Since that time, for over 130 years, the descendants of slaves have celebrated this day in honor of the many unfortunate people who lived and suffered under slavery. Their suffering can never be repaired, but their memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil. We commemorate Juneteenth Independence Day to honor the struggles of these slaves and former slaves, to acknowledge their suffering and so that we may never forget even the worst aspects of our Nation's history.

But this day and this joint resolution in honor of the end of slavery should also make us feel proud, proud that we as a nation have come so far toward advancing the goals of freedom and justice for all of our citizens. While we must continue ever forward in the search for justice, we should be thankful that the tireless efforts of vigilant Americans have enabled us to achieve a society built on democratic principles and the recognition that all men and women are created equal.

ADDITIONAL COSPONSORS

S. 99

At the request of Mrs. BOXER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to allow companies to donate scientific equipment to elementary and secondary schools for use in their educational programs, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE RESOLUTION 23—DESIGNATING ALAN SCOTT FRUMIN AS A PARLIAMENTARIAN EMERITUS

Mr. LOTT (for himself, Mr. DASCHLE, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 23

Resolved, That Alan Scott Frumin be, and he is hereby, designated as a Parliamentarian Emeritus of the United States Senate.

SENATE RESOLUTION 24—RELATIVE TO THE CARGO PREFERENCE POLICY OF THE UNITED STATES

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 24

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States Merchant Marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag Merchant Marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels; Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;