

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessities to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

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

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

#### AMENDMENT NO. 788

(Purpose: To provide that the Administrator of General Services shall ensure that nonprofit organizations shall consider the mental or physical disability of individuals for purposes of self-help requirements, and for other purposes)

Mr. BROWNBAC. Mr. President, Senators THOMPSON and GLENN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC], for Mr. THOMPSON, for himself and Mr. GLENN, proposes an amendment numbered 788.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, insert between lines 5 and 6 the following:

“(D)(i) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

“(ii) For purposes of this subparagraph, the term ‘disability’ has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

On page 4, line 6, strike “(D)” and insert “(E)”.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 788) was agreed to.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 680), as amended, was deemed read the third time and passed.

#### CLARIFYING PROTECTIONS OF THE FEDERAL TORT CLAIMS ACT

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1901, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1901) to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The Senate proceeded to consider the bill.

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1901) was deemed read the third time and passed.

#### AUTHORIZING PRODUCTION OF RECORDS

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV.

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

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

Mr. LOTT. Mr. President, Senator BYRD and Senator ROCKEFELLER have each received a request from a State prosecutor in West Virginia for copies of correspondence between a West Virginia resident and their offices for use in a pending criminal prosecution in that State. Senator BYRD and Senator ROCKEFELLER believe that granting the prosecutor's request would serve the ends of justice. This resolution authorizes them to provide copies of correspondence in response to the prosecutor's request.

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

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia v. Brenda S. Cook*, No. 97-F-20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia v. Brenda S. Cook*.

#### ORDERS FOR THURSDAY, JULY 10, 1997

Mr. BROWNBAC. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., Thursday, July 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 936, the defense authorization bill.

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

Mr. BROWNBAC. Mr. President, tomorrow morning, the Senate will resume consideration of the defense authorization bill and immediately begin 90 minutes of debate on the Grams second-degree amendment to the Cochran amendment. Following that vote, the Senate will continue debating amendments with rollcall votes occurring throughout the day. The majority leader has stated that it is his intention to assess the progress on the bill following these votes in order to determine if and when the cloture vote will occur.

#### POSTPONEMENT OF CLOTURE VOTE

Mr. BROWNBAC. Mr. President, I now ask unanimous consent that the cloture vote be postponed at a time to be determined by the majority leader, after consultation with the Democratic leader.

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

#### PROGRAM

Mr. BROWNBAC. Mr. President, on behalf of the majority leader, I announce that it is his intention to complete action on the defense authorization bill this week. Senators can expect

late-night sessions with rollcall votes into the evening in order to finish this important legislation this week.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:07 p.m., adjourned until Thursday, July 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by  
the Senate July 9, 1997:

DEPARTMENT OF THE INTERIOR

JAMIE RAPPAPORT CLARK, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE MOLLY H. BEATTIE.

DEPARTMENT OF AGRICULTURE

I. MILEY GONZALES, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE KARL N. STAUBER.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ANDREW M. CUOMO.

DEPARTMENT OF AGRICULTURE

AUGUST SCUMACHER, JR., OF MASSACHUSETTS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE EUGENE MOOS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by  
the Senate July 9, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be general*

GEN. WESLEY K. CLARK, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be general*

LT. GEN. ANTHONY C. ZINNI, 0000