

went through that achieved that funding for these projects he read off for the State of Arizona.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am sorry the Senator from Arizona had to come back. Certainly as indicated on the RECORD, I only had positive things to say about the Senator from Arizona.

I do say—and he and I have a disagreement on how bills like this should come to be—I believe that we as a legislative branch of Government have an obligation to make independent decisions separate and apart from the administration. I do not feel I have any obligation to follow what the bureaucrats say we should appropriate.

The Senator from Arizona and I came to the Congress together. I have the greatest admiration for him, not only for what he has done in his professional life as a Member of Congress but, of course, what he did before he came here.

So it has nothing to do with how I feel about the Senator from Arizona. It has to do with the basic difference in what I feel is an obligation a Member of Congress has. It is a legitimate difference. It has nothing to do on a personal basis, and I will continue to work as hard as I can with the Senator on campaign finance reform and also to fund projects for the State of Arizona as a member of this subcommittee, as long as I am ranking member, in a fair and impartial way, getting direction from the bureaucrats but not following necessarily what they have to say.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. May I say I appreciate the words of the Senator from Nebraska—Nevada. I appreciate any from Nebraska, too. But I appreciate the words of the Senator from Nevada. He and I have been friends now since 1982 when we came to the House together. We have worked together on a variety of issues, including native American and many others. Our difference, as he states, is a philosophical one. I don't believe there is an orderly process that judges these projects on merit, and that is just a difference that we have had for many, many years.

I admire his adherence to what he believes is best not only for Nevada but for the country. I respect that, and I know that my words in criticism of this procedure have nothing to do with the enormous respect and affection that I have for him and the chairman of the subcommittee and the chairman of the Budget Committee, Senator DOMENICI.

I yield the floor.

Mr. DOMENICI. I thank the Senator very much.

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a pe-

riod for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### CHRISTOPHER MEILI

Mr. D'AMATO. Mr. President, I thank the chairman and my good friend, Senator DOMENICI, and Senator REID for giving me this opportunity to address what I consider to be the acts of a courageous individual and the fact that the House today acted in a bipartisan manner, unanimously passing S. 768, a bill to give to Christopher Meili the opportunity to live in this country, and to say once again that America understands the courage exhibited by Christopher Meili in his extraordinary action in reporting and making public the destruction of documents in Switzerland at great peril to himself and to his family. He was ostracized for this act. He was threatened with death. His family, his two children, can no longer live in their own country. Once again, America has opened its heart and its doors.

The House, in an extraordinary act, has given him the opportunity to live here, to work here, to raise his family. Christopher Meili is a noble man whose actions ennobled all of us, and he has suffered greatly for his courage in exposing the truth. Now he simply desires to live in freedom here in America with his family, and now he can.

I spoke to Christopher earlier today and told him that the House of Representatives had completed action and that it had passed the legislation, and now it awaits the President's signature. I am certain that the President will continue the process of making possible Christopher's staying here in this country and giving to him the freedom that he yearns for himself and his family.

Mr. President, I commend those of my colleagues who, by way of their action in passing this legislation, have given Christopher an opportunity to live here in this country, and we once again demonstrate that we understand the extraordinary sacrifices that this young man made in the cause of freedom.

Mr. President, I yield the floor.

#### DEPARTMENT OF DEFENSE APPROPRIATION BILL FOR FISCAL YEAR 1998

Mr. MCCAIN. Mr. President, during the debate on S. 1005, the defense appropriations bill this morning, I expressed several concerns about section 8097 of that bill. While I appreciate Senator INOUE amending section 8097 to prohibit the use of Federal funds for the construction of the new cruise ships that would result from this pilot project. I still have serious concerns about the provision that would grant a 25-year monopoly in the Hawaii cruise ship market for the only cruise ship operator in Hawaii.

This legislative restriction on commerce is unprecedented and must not be granted. The existing U.S.-flag cruise ship operator in Hawaii is already protected from foreign competition by U.S. coastwise trade laws. That company has operated without statutory protection from domestic competition for more than a decade. There is no compelling reason to provide such protection now. I'm sure that many businesses would like to reduce their cost of capital to replace their infrastructure by convincing their lenders that their company is protected from any competition in its market. However, the Congress has not provided such protection in the past and we should not do so now.

I would also note that the provision provides a special waiver to the coastwise trade laws, which is somewhat extraordinary and should be examined for its fairness and appropriateness. While I am not a member of the Appropriations Committee I intend to vigorously pursue the modification of section 8097 to eliminate this egregious provision during the conference on S. 1005.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, 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 appropriate committees.

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

#### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 15, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committees on Appropriations, without amendment:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-47).

#### 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 Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans Affairs.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BENNETT:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr.

KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes; to the Committee on Labor and Human Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MOYNIHAN (for himself, Mr.

GRAHAM, Mr. HATCH, and Mr. DODD):

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans Affairs.

### VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1017, a proposed bill to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 16, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

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

S. 1017

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

That that portion of subsection (a) of section 1502 of title 38, United States Code, preceding paragraph (1) is amended to read as follows:

“(a) For purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is 65 years of age or older and is a patient in a nursing home or, regardless of age, is unemployable as a result of a disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—”.

THE SECRETARY OF VETERANS AFFAIRS,

*Washington, June 16, 1997.*

Hon. ALBERT GORE,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of the nonservice-connected disability pension program. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability in the case of a person who is age 65 or older and who is a patient in a nursing home, for purposes of establishing basic eligibility under the Department of Veterans Affairs' (VA) nonservice-connected disability pension program.

For many years, former section 502(a) (re-designated as section 1502(a)) of title 38, United States Code, provided that a person was presumed to be permanently and totally disabled at age 65 for the purpose of establishing basic pension eligibility. However, in 1990 Congress amended this provision via the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, §8002) to eliminate the presumption of total disability at age 65 for claims filed after October 31, 1990. Consequently, it is now necessary that a rating decision be rendered on the issue of permanent and total disability before pension can be paid to any person, regardless of age or circumstances.

Under current law, an incongruous situation arises in the case of a pension claimant who is a patient in a nursing home. Pursuant to 38 U.S.C. §1502(b), such a person would be considered to be in need of regular aid and attendance (a level of disability which assumes the existence of permanent and total disability) and, therefore, entitled to pension at a higher rate. Nonetheless, the person could not establish eligibility for any pension until a determination is made through a rating activity that the person is permanently and totally disabled. Consequently, under current law, if an 85-year old veteran in a nursing home were to file an original pension claim, it would still be necessary to prepare a rating decision on the issue of permanent and total disability to establish the veterans' basic pension eligibility under section 1502(a), although the veteran would, once determined to be eligible, be considered under section 1502(b) to be eligible for a higher payment of pension based on the need for regular aid and attendance.

Enactment of the proposed amendment to section 1502(a) would be advantageous to VA

and to claimants for pension and other benefits administered by VA. Processing times for original and reopened pension claims would be reduced because development of medical evidence of a nursing home patient's level of disability would no longer be necessary. This improvement in efficiency would have a salutary effect on the processing of other types of claims because rating specialists and development personnel would have more time to devote to other activities, including adjudication of service-connected disability compensation claims.

The proposed amendment would not threaten the integrity of the pension program. An individual age 65 years or older who is a patient in a nursing home would almost certainly qualify as being permanently and totally disabled under 38 U.S.C. §1502(a) as it is currently worded. The likelihood that such an individual would eventually leave the nursing home is slim. However, procedures are already in place for reevaluating aid and attendance entitlement when a notice of discharge from a nursing home is received in the case of a veteran whose aid and attendance benefit is based on nursing-home-patient status. These procedures will be adapted to require a rating decision upon a person's discharge from a nursing home if the basic eligibility determination was premised on the person's status as a patient in a nursing home.

Enactment of this proposal would merely speed the processing of claims of persons who would otherwise qualify for pension.

This draft bill would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal is zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans Affairs.

### VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1018, a proposed bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 18, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.