

forum to discuss these issues and for opponents of Indian gaming to express their concerns.

Mr. President, I join with my colleagues on the Indian Affairs Committee in urging the conferees on the Interior appropriations bill to eliminate this provision from the final conference agreement. •

IN HONOR OF JUDGE LAWRENCE H. COOKE

• Mr. MOYNIHAN. Mr. President, this weekend a glorious and important event will take place in Monticello, NY. On Sunday, September 20, 1997, the Courthouse in Sullivan County will be renamed the Lawrence H. Cooke Sullivan County Courthouse. Judge Cooke, a native of Monticello, is one of our State's more distinguished jurists. His legal career spans almost 60 years and is highlighted by his tenure from 1979 through 1984 as the chief judge of the New York State Court of Appeals, our State's highest court.

While Judge Cooke may be best known for his time on the court of appeals and his many years as a judge, practicing attorney, and town supervisor in Sullivan County, he also served as a member of my Judicial Screening Committee from 1985 through 1993. During his 8 years on the committee he provided wise counsel in helping me select candidates for Federal judgeships to be nominated by the President. While not necessarily the most glamorous part of being a Senator, selecting individuals for nomination to a Federal judgeship is one of our most important responsibilities. Long after a Senator has left the body, the judges whom he/she helped select may remain on the bench for many more years to come with life tenure. Judge Cooke provided invaluable assistance to me in this endeavor and I am pleased to say that he is now lending his talents to New York Governor George Pataki by serving on the Governor's judicial screening committee for State judgeships.

When I travel around New York State, one of the things I like to do if I have a couple of free minutes is to visit the local county courthouse. In most places, the courthouse is a grand and beautiful old building, and the courthouse in Sullivan County is no exception. Sullivan County was founded in 1809 and the current courthouse is actually the third it has had. The original burned down in 1844 and the second was replaced by the current structure in 1909. The newly named Cooke Courthouse is an Ohio sandstone building which was designed by William Beardsley of Poughkeepsie and built by the Kingston firm of Campbell and Dempsey for \$143,000. In 1979 the building underwent a major renovation. It is a beautiful and historic building well befitting of Judge Cooke's name.

Mr. President, 1997 marks the sesquicentennial of the New York State Court of Appeals. With the exception of

the U.S. Supreme Court, this court is perhaps the most important court in our Nation's legal history. One of the greatest jurists of the 20th century, Benjamin Cardozo, was a chief judge of this court before being nominated by President Franklin Roosevelt to the Supreme Court. Even today, every law student must read several of Judge Cardozo's opinions as part of a legal education and his opinion in *Palsgraf* versus Long Island Railroad is still the seminal case on proximate cause in torts. The current chief judge, Judith Kaye, is nationally recognized as a leader in judicial reform, especially in the area of jury selection. It is a proud and important tradition with which Judge Cooke is associated, and he certainly is an important part of that tradition.

On this special day on which we honor Judge Cooke, I want to wish the Judge and his wife Alice the best and thank him for his many years of service to me, to Sullivan County, to New York State, and to our justice system. •

NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

• Ms. SNOWE. Mr. President, yesterday Senator KERRY and I introduced the North Atlantic Fisheries Resource Conservation Act. Unfortunately, we neglected to specifically ask that the text of the bill be printed in the RECORD. In order to ensure that the public has easy access to the bill's language, I now ask that the text of this bill be printed in the RECORD.

The text of the bill is as follows:

S. 1192

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 "North Atlantic Fisheries Resource Conservation Act".

SEC. 2. HARVEST OF ATLANTIC MACKEREL AND HERRING BY LARGE FISHING VESSELS.

(a) PERMIT REQUIRED.—Notwithstanding any other provision of law to the contrary, the Secretary of Commerce may not authorize or permit any fishing vessel (as defined in section 3(17) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(17)) that—

(1) is 165 feet in length or longer; or
(2) has an engine or engines capable of producing a total of more than 3000 horsepower, to harvest Atlantic mackerel or Atlantic herring in a fishery unless the participation of such a vessel is specifically allowed under a fishery management plan developed and implemented for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) EXISTING PERMIT TO BE REVOKED.—Within 5 days after the date of enactment of this Act, the Secretary shall revoke any permit issued by the Secretary before that date to a vessel described in subsection (a) under which the vessel would be permitted to harvest Atlantic mackerel or Atlantic herring in such a fishery.

(c) FISHERY MANAGEMENT PLAN.—

(1) IMPLEMENTATION OF PLAN.—The New England Fishery Management Council shall prepare and submit a fishery management

plan for Atlantic herring no later than June 30, 1998. The Secretary of Commerce shall implement the plan no later than September 30, 1998.

(2) AMENDMENT OF PLAN TO PERMIT LARGER VESSELS TO HARVEST.—The Mid-Atlantic Fishery Management Council, in consultation with the New England Fishery Management Council, shall prepare and submit, no later than June 30, 1998, an amendment to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries which specifically addresses the participation of vessels described in subsection (a) in the harvesting of Atlantic mackerel. The Secretary of Commerce shall implement the amendment no later than September 30, 1998.

(3) VESSEL LENGTH AND POWER CRITERIA.—The Council and the Secretary may include vessel length or vessel power limitations, or both, in any fishery management plan or amendment under paragraph (1) or (2). The limitations may be greater or smaller than the vessel length and vessel power of a vessel described in subsection (a). •

NATIONAL POW/MIA RECOGNITION DAY

• Mr. SMITH of New Hampshire. Mr. President, Friday, September 19, 1997, has been designated this year by President Clinton and numerous State Governors as National POW/MIA Recognition Day. This is a special day for paying tribute to our missing service members and civilians involved with our Nation's past military conflicts. It is a day for reaffirming throughout the United States our national commitment to obtaining the fullest possible accounting for America's POW's and MIA's.

It has been an honor and privilege for me, since my election to the Congress in 1984, to assist the POW/MIA families, our veterans, and their friends and supporters, with the many efforts that have been undertaken to try to achieve a proper accounting for so many of our Nation's bravest heroes still listed as missing. It has been a difficult and emotional task, complicated by on and off-again cooperation by foreign governments.

As many of my colleagues know, I served as vice-chairman of the Senate Select Committee on POW/MIA Affairs in 1992, and I currently serve as the U.S. chairman of the Vietnam War Working Group of the Joint United States-Russian Commission on POW's and MIA's. This past summer, I, along with Congressman SAM JOHNSON of Texas, himself a returned POW from North Vietnam, traveled to Russia, Poland, and the Czech Republic in our continuing efforts to open archives and interview people knowledgeable about the fate of American POW's. We both feel, as a result of our trip, that we have enhanced our Government's ability to further investigate POW/MIA leads. I have also continued my own efforts here in the Senate to ensure that U.S. Government records on this issue are declassified and made available to the public. I am pleased to report that I am making additional progress in that regard, specifically with respect to information from the Nixon administration that I hope will shed more

light on our own Government's knowledge about POW's and MIA's when the Vietnam war ended in 1973.

As a result of my direct involvement with this issue, I can report that, even though we have made some progress over the years, there is still much work to do. It is, therefore, my hope that this administration will take the opportunity National POW/MIA Recognition Day provides to rededicate itself to using all appropriate resources available to the U.S. Government to resolve the POW/MIA issue.

I personally believe that public awareness is critical to ensuring that the United States vigorously presses Communist governments abroad, especially North Korea, China, Vietnam, and Laos, to give us the complete answers that we deserve on this humanitarian issue. Indeed, the support of the public has enabled us to continue to push forward with legislative initiatives in Congress that can help to ensure the POW/MIA issue is pursued as a top priority with the governments I just referenced.

I want to assure my own constituents and the many concerned Americans who have contacted me through the years that I remain absolutely committed to doing everything I think is appropriate to resolve the fate of our missing soldiers.

Mr. President, I thank the American people for remembering our unaccounted for POW's and MIA's on this special day.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. By unanimous consent, the Senate will immediately proceed to executive session to consider the following nominations under the Executive Calendar, Nos. 249, 250, and 251; by unanimous consent, the nominations are deemed confirmed and the motions to reconsider laid upon the table, and any statements relating to

the nominations will appear at this point in the RECORD, the President will be immediately notified of the Senate's action, and the Senate will return to legislative session.

The nominations considered and confirmed en bloc are as follows:

SOCIAL SECURITY ADMINISTRATION

Kenneth S. Apfel, of Maryland, to be Commissioner of Social Security for the term expiring January 19, 2001.

DEPARTMENT OF THE TREASURY

Gary Gensler, of Maryland, to be an Assistant Secretary of the Treasury.

Nancy Killefer, of Florida, to be Chief Financial Officer, Department of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, SEPTEMBER 23, 1997

The PRESIDING OFFICER. By unanimous consent, when the Senate completes its business today, it will stand in adjournment until the hour of 9:30 a.m., Tuesday, September 23, and on Tuesday, immediately following the prayer, the routine requests through the morning hour will be granted and the Senate will immediately resume consideration of S. 830, the Food and Drug Administration reform bill, with 2 minutes of debate, equally divided in the usual form, on the Durbin amendment No. 1141.

At that point, there will be a series of stacked rollcall votes on Senator DURBIN's amendments Nos. 1339 and 1341. Members can anticipate additional rollcall votes on Tuesday in connection with the Food and Drug Administration legislation.

Following adoption of the committee substitute to that bill, the Senate will proceed to an immediate cloture vote on the Food and Drug Administration bill.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 23, 1997, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

Thereupon, at 2:37 p.m., the Senate adjourned until Tuesday, September 23, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 1997:

DEPARTMENT OF THE INTERIOR

M. JOHN BERRY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE BONNIE R. COHEN.

DEPARTMENT OF STATE

TERRENCE J. BROWN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LARRY E. BYRNE, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral (lower half)

CAPT. MARION J. BALSAM, 0000.
CAPT. BARRY C. BLACK, 0000.
CAPT. RICHARD T. GINMAN, 0000.
CAPT. MICHAEL R. JOHNSON, 0000.
CAPT. CHARLES R. KUBIC, 0000.
CAPT. RODRIGO C. MELENDEZ, 0000.
CAPT. DANIEL H. STONE, 0000.

THE JUDICIARY

MARY ANN COHEN, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM OF 15 YEARS AFTER SHE TAKES OFFICE, (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

SETH WAXMAN, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE DREW S. DAYS III, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 19, 1997:

SOCIAL SECURITY ADMINISTRATION

KENNETH S. APFEL, OF MARYLAND, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001.

DEPARTMENT OF THE TREASURY

GARY GENSLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

NANCY KILLEFER, OF FLORIDA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.