the Judicial Conference to some degree. However, there have been numerous occasions in the past where Congress has added judgeships without the approval of the Judicial Conference. In 1990, the last time we created judgeships, the Congress created judgeships in Delaware, the District of Columbia, and Washington State without the approval of the Judicial Conference. In 1984, when the 12th judgeship at issue in this hearing was created—Congress created 10 judgeships without the prior approval of the Judicial Conference. It is clear that if Congress can create judgeships without judicial approval, then Congress can leave existing judgeships vacant or abolish judgeships without judicial approval. It would be illogical for the Constitution to give Congress broad authority over the lower Federal courts and yet constrain Congress from acting unless the lower Federal courts first gave prior approval.

In conclusion, Mr. President, I ask my colleagues to support this legislation and pass it quickly. I hope that the President will support and sign this bill.●

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 1386

At the request of Mr. BURNS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

SENATE RESOLUTION 289—ELECTING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 289

Resolved, That Gregory S. Casey, of Idaho, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

AMENDMENTS SUBMITTED

THE OLDER AMERICANS INDIAN TECHNICAL AMENDMENTS ACT

MCCAIN AMENDMENT NO. 5203

Mr. MCCAIN proposed an amendment to the bill (S. 1972) to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes; as follows:

On page 2, line 13, insert ''or near'' after ''on''.

THE DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

GRAHAM AMENDMENT NO. 5204

Mr. GRAHAM submitted an amendment intended to be proposed to the bill, H.R. 3814, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the bill, insert after the last section (preceeding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

VA BENEFITS TO CHILDREN OF VIETNAM VETERANS WITH SPINA BIFIDA

● Mr. JEFFORDS. Mr. President, today Senator DASCHLE has brought before us an issue that provokes much emotion and raises more questions about the use of agent orange in Vietnam. Senator DASCHLE amendment would treat and compensate Vietnam veterans' children with spina bifida, a terrible defect of the neural tube, the embryonic structure that extends from the spinal cord to the brain. Compensation would entail a monthly monetary allowance, depending on the degree of the condition. About 2,700 children with spina bifida are estimated to be entitled to care and compensation under this amendment. The amendment has the support of the Vietnam Veterans of America, the American Legion and the Veterans of Foreign Wars.

Senator DASCHLE's amendment responds to the administration's announcement in April, following the release of a National Academy of Sciences report in March, listing spina bifida as having limited/suggestive evidence of an association with herbicidal exposure in Vietnam. The VA does not currently have the authority to extend health care or compensatory benefits to the children of veterans. This amendment would provide that authority.

I have fought for years for equitable treatment for Vietnam veterans afflicted with conditions associated with agent orange exposure. I was very pleased that in 1991 Congress passed the Agent Orange Act. Under this act if there is adequate evidence of a link between military service in Vietnam and a medical conditions, benefits are provided by the Veterans' Administration.

Opponents of the Daschle amendment argue that the evidence supporting this amendment is fragile. I have looked at the evidence myself and I must admit, I cannot disagree with them. The estimates of how many children will be affected by this legislation are not firm because there are no reliable means of determining if a parent of a spina bifida child actually served in an area affected by agent orange. The evidence may not improve much because of the inadequacies of the records kept by the Department of Defense [DOD] in tracking veterans during their service in Vietnam as well as the rate of birth defects in their children. Thankfully, it seems the DOD avoided this for veterans of the gulf war and, with the Persian Gulf Registry, for their children.

Another cause for concern in supporting this amendment is the precedent it sets by providing a new entitlement to the children of veterans. Some may use this amendment as a tool to obtain Federal compensation to other veterans' children suffering from a medical illness and Congress should avoid providing entitlements to more groups without some evidence.

In crafting statutes for presumptive treatment for agent orange veterans, I believed treatment is necessary because the Government has an obligation to treat ill veterans if reasonable evidence suggests there is a causal relationship between service and a medical condition. By definition, presumption is subject to question. Countless families of Vietnam veterans have suffered because of agent orange. The lack of irrefutable scientific evidence had long delayed many of the benefits to which Vietnam veterans are entitled. This amendment will provide assistance to some of these families and, although will not take away the pain caused by spina bifida, it will at least ease the financial burden. This is the

least we can to for this group of veterans that have suffered so much already.●

OSHA VIOLATIONS BY FEDERAL CONTRACTORS

● Mr. SIMON. Mr. President, this Monday we celebrated the 114th annual Labor Day, honoring working Americans for their daily contributions to the most productive economy in the world. Also on Monday, we learned from a new General Accounting Office [GAO] report that the U.S. Government has been routinely awarding billions of dollars in Federal contracts to companies that have repeatedly and flagrantly endangered the health and safety of their workers.

According to the report, entitled ''Occupational Safety and Health: Violations of Safety and Health Regulations by Federal Contractors,'' the Federal Government in fiscal year 1994 awarded $38 billion in contracts to companies that were found to have committed significant Occupational Safety and Health Act [OSHA] violations in that fiscal year. In fiscal year 1994, more than 1 in 5 Federal contract dollars went to 261 companies that were found to have committed significant OSHA violations during that fiscal year.

The violations cited in the GAO report were not merely technical errors or minor infractions. On the contrary, 35 fatalities occurred at workplaces of the cited companies during the period covered by the report. These fatalities included, just to cite examples from Illinois and the greater Chicago region, that of a Danville, IL worker who was sucked into a grain mill he was cleaning, and the deaths of two workers who were trapped in a fire at an Inland Steel Co. plant in East Chicago, Indiana. A supervisor involved in the latter incident committed suicide a few days after his coworkers had been killed.

In preparing this report, the GAO investigators confined themselves to cases involving significant initial proposed penalties, defined as those of $15,000 or more. This definition narrowed the study to the most serious 3 percent of OSHA violations discovered during fiscal year 1994.

Eighty-eight percent of the violations covered by the study involved at least one serious violation that posed a risk of death or physical harm to workers; 69 percent of the violations were deemed to have been willful.

This report demonstrates that the Federal Government is not doing as much as it could to improve the worker health and safety standards of Federal contractors. The Federal Government has enormous contracting power: 22 percent of the entire U.S. work force is employed by Federal contractors. The Federal Government ought to use this power to encourage companies it contracts with to maintain high standards for worker safety and health.

We already hold Federal contractors to high standards in a number of different areas. For example, Federal contractors must comply with Executive Order 11246, which requires them to develop affirmative action programs for their workers. Similarly, the Davis-Bacon and Service Contract Acts require Federal contractors to pay area-prevailing wages when performing Federal construction and service contracts. Given these requirements, it is not unreasonable for Federal contractors also to be held to a higher standard in the area of occupational safety and health.

To address this issue, I have introduced legislation that would give the Secretary of Labor the authority to debar firms that show a pattern and practice of OSHA violations from receiving Federal contracts for up to 3 years. This legislation, the Federal Contractor Safety and Health Enforcement Act (S. 781), would provide strong new incentives for firms that contract with the Federal Government to maintain high safety and health standards.

Even without legislation, there are steps the Federal Government can take to facilitate the exchange of information between OSHA and agency awarding and debarring officials to help improve contractor OSHA compliance. The GAO report recommends that OSHA develop policies and procedures, in consultation with the General Services Administration [GSA] and the Interagency Committee on Debarment and Suspension, to first, ensure that agencies share health and safety information on Federal contractors; second, determine whether and how it will consider a company's status as a Federal contractor in setting priorities for workplace inspections; and third, assess the appropriateness of also using this information with respect to companies receiving other forms of Federal assistance, such as grants and loans.

The GAO noted that the development of such information-sharing between agencies ''would increase the likelihood that a company's health and safety record [will be] considered in decisions to award a contract or to debar or suspend an existing contractor.'' The report also noted that, under the Contract Work Hours and Safety Standards Act, OSHA already has authority to debar companies specifically for safety and health violations, but that this authority is seldom invoked because of the high cost of litigating debarment decisions. As the use of contractor debarment for safety and health violations becomes more common and courts develop a clear set of guidelines for assessing debarment decisions, we can expect that such litigation costs would decline.

American taxpayers should not be expected to foot the bill for lucrative contracts to companies that flagrantly and willfully disregard the health and safety of their employees. We should put safeguards into place to ensure that Federal contractors are held to high standards of worker safety and health. Rather than using the power of the Federal treasury to reward lawbreakers, we should use that power to reward firms that demonstrate a strong commitment to the safety and wellbeing of their employees.

I have no personal knowledge of the health and safety records of the Federal contractors discussed in the GAO report. The list that follows was compiled by the GAO. It contains the names of selected Federal contractors with significant OSHA violations and their corporate headquarters.

The list follows:

PARENT COMPANY AND HEADQUARTERS

Aluminum Co. of America, Pittsburgh, PA.[1]
B.R. Group, Inc., Orange, MA.[2 3]
B.T.R. PLC (All-Steel, Inc.), Stamford, CT.[1]
Bethlehem Steel Corpl, Bethlehem, PA.[1]
Biocraft Laboratories, Inc., Fair Lawn, NJ.[1]
Blaze Construction Co., Browning, MT.[1]
The Boeing Co., Seattle, WA.[1]
Boise Cascade Corp., Boise, ID.[1 2]
Chrysler Corp., Detroit, MI.[2]
Clean Harbors Environmental Services Inc., Quincy, MA.[2]
ConAgra, Inc., Omaha, NE.[1]
Cooper/T Smith Stevedoring, Inc., Houston, TX.[1 3]
Crowley Maritime Corp., Oakland, CA.[1]
Crown Central Petroleum Corp., Baltimore, MD.[1]
Dainippon Ink & Chemicals, Inc., (Sun Chemical), Cincinnati, OH.[1 3]
Dana Corp., Grand Haven, MI.[1]
Dell Computer Corp., Austin, TX.[1]
Federal Paper Board Co., Montvale, NJ.[1 2]
Ford Motor Co., Dearborn, MI.[1 2]
Fulcrum II Limited Partnership (Bath Iron Works Corp.), New York, NY.[2]
General Motors Co., Detroit, MI.[1 2]
Georgia-Pacific Corp., Atlanta, GA.[1]
Imperial Americas, Wilmington, DE.[1]
International Paper Co., Purchase, NY.[1 2]
Kohler Co. Mill Division, Kohler, WI.[2]
Kone Holding Inc. (Montgomery Elevator), Louisville, KY.[1]
Lockheed-Martin Corp., Calbasas, CA.[1 2]
National Beef Packing Co. LP, Liberal, KS.[2]
National Fruit Produce Co., Winchester, VA.[2]
National Health Labs Holdings, Loyolla, CA.[2]
P.M. Holdings Corp. (Purina Mills, Inc.), St. Louis, MO.[1]
Pepsico, Inc. (Frito-Lay, Inc.), Purchase, NY.[1]
Rhone-Poulenc, Inc., France[1 2]
Roadway Express, Inc., Akron, OH.[1]
Salvation Army, Alexandria, VA.[1]
Sears Roebuck & Co., Hoffman Estates, IL.[1]
Shell Oil Co., Houston, TX.[1 2]
Simplot J.R. Co. (S.S.I. Food Services, Inc.), Boise, ID.[2]
Stone Container Corp., Chicago, IL.[1]
Tenneco Packaging, Inc. (Packaging Corp. of America), Houston, TX.[1]
Trident Seafoods Corp., Seattle, WA.[1]
Trinova Corp. (Vickers, Inc.), Omaha, NE.[1 3]
Tyco International, Ltd. (Allied Tube & Conduit Co.), Exeter, NH.[1 2]
U.A.L. Corp. (United Airlines), Arlington Heights, IL.[1]
Union Camp Corp., Wayne, NJ.[1]
United Parcel Service Amer., Inc., Atlanta, GA.[1 2]
Whirlpool Corp., Benton Harbor, MI.[1]

[1] Assessed significant proposed penalties ($15,000) or more) in more than one inspection closed in fiscal year 1994.