hearing last Wednesday, Senator HATCH referred to Bill Lee's ''long and distinguished career'' and noted his ''commitment to improving the lives of many Americans who have felt the sting of invidious discrimination.'' These comments are encouraging.

Senator HATCH has been stalwart in moving a number of top Justice Department nominees through the committee promptly. As examples, I point to the nomination of Eric Holder to be the Deputy Attorney General, Ray Fisher to be the Associate Attorney General, and Joel Klein to be the Assistant Attorney General for the Antitrust Division.

In connection with the confirmation of Assistant Attorney General Klein, Senator HATCH said:

''I believe it is neither fair nor wise to hold a nominee hostage because of such concerns, especially one as competent and decent as Joel Klein. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.''

''There are times when I disagree with the President, but I have to say when he does a good job and when he does nominate good people . . . then I will support the President.

''I will do what I can to show support for him and to encourage him to continue to pick the highest quality people for these positions.''

Adhering to that policy should lead us to a prompt and favorable vote on Mr. Lee.

At the recent nomination hearing of Ray Fisher, Senator HATCH assured the administration that ''nominees for the Department of Justice will continue to receive thorough and prompt consideration by the committee.'' I am hopeful that Senator HATCH will apply this same standard to Mr. Lee's nomination.

I look forward to the vote on Bill Lee, a stellar nominee to head the Office of Civil Rights at Department of Justice. Mr. Lee's recent decision to recuse himself from any involvement in the Proposition 209 case further reflects his integrity and forthrightness on these sorts of matters.

Bill Lee's story is a true American saga. Raised by immigrants, in one generation he has risen to the top of his profession and is now being considered to head the Nation's civil rights division. Let us make sure the story ends the way it should—with the confirmation of Mr. Lee as Assistant Attorney General before we adjourn this session.

SUPPORTING NANCY-ANN MIN DEPARLE'S NOMINATION

Mr. KENNEDY. In June, the President nominated Nancy-Ann Min DeParle to be Administrator of the Health Care Financing Administration [HCFA]. When confirmed as the Head of HCFA, Ms. DeParle will be responsible for running Medicare, Medicaid, and the new children's health program, and provide valuable direction for other important health insurance initiatives. More than 70 million Americans—senior citizens, children, persons with disabilities and others—depend on these programs for lifesaving health care. Leaving this critically important agency without a leader during this challenging time is irresponsible and indefensible, and I urge the Senate to move quickly to confirm her nomination.

It is especially offensive that a Senator is holding this nomination hostage in order to extract a concession from the President on an HCFA-related issue. We all want things from HCFA, and those issues should be resolved as part of the legislative process, not by denying this important Federal agency the leadership it needs.

At this moment, a large number of Medicaid waivers are pending from States that want flexibility to go beyond the current rules. Hundreds, perhaps thousands, of decisions must be made regarding implementation of the Medicare provisions in the Balanced Budget Act—including the establishment of important new preventive benefits. This historic legislation also included the largest health insurance expansion since the creation of Medicare and Medicaid. It provides health insurance to uninsured children in working families who earn too much to qualify for Medicaid but not enough to purchase private health insurance. We all worked hard for this program. All 50 States will be submitting their plans for this coverage in the coming months and HCFA needs to take action.

Ms. DeParle is extremely well-qualified to lead HCFA. She served from 1993 to 1997 as the Associate Director for Health and Personnel at the Office of Management and Budget. In this capacity, she guided the development and implementation of budget and policy matters for all Federal health programs, including Medicare and Medicaid. In addition to other accomplishments, she has extensive experience running a state-level cabinet agency. From 1987 to 1989, she administered a 6,000-employee agency as commissioner of human services in Tennessee.

No significant objection to her nomination was raised at the Finance Committee hearing in September. She was approved unanimously by the committee on September 11, and she has been waiting since that day for the full Senate to act. It is long past time for the Senate to act.

THE CENTER FOR ADVANCED SIMULATION AND TECHNOLOGY

Mr. D'AMATO. Mr. President, I rise to engage the distinguished Chairman of the Senate Transportation Appropriations Subcommittee, Senator SHELBY, in a colloquy.

Mr. SHELBY. I would be pleased to accommodate the Senator from New York.

Mr. D'AMATO. I thank the Senator. I first would like to commend my friend and colleague from Alabama for the fine leadership he has shown in crafting the fiscal year 1998 Transportation Appropriations bill. He has done a wonderful job in allocating scarce federal resources equitably for New York and the entire nation for highway, transit, rail and other infrastructure needs.

I ask my colleague if he is familiar with an intermodal transportation simulation and technology project on Long Island called the Center for Advanced Simulation and Technology (CAST)?

Mr. SHELBY. I am familiar with it. This project is being developed at the National Aviation and Transportation Center on Long Island and is anticipated to provide an intermodal transportation simulation training, education and planning asset for the entire nation. A total of $19.5 million in federal funding over the next five years has been determined by officials at the National Aviation and Transportation Center as needed to help carry out this project. According to these same officials, this level of federal funding is expected to trigger at least $5 million in private sector contributions and up to $7.5 million in funding from New York State.

Mr. D'AMATO. As my friend knows, no specific appropriation was provided in the fiscal year 1998 conference agreement to allow CAST to go forward in this fiscal year. Therefore, I would like to work with the Chairman, the Long Island Congressional delegation and the Department of Transportation in an effort to find a source of funding to continue work on CAST in this fiscal year.

Mr. SHELBY. Mr. President, the Senator from New York has my assurance that I will work with him to try and identify a source of funding that will allow the CAST effort to commence in fiscal year 1998.

Mr. D'AMATO. I thank my friend and colleague.

FTC ''MADE IN USA'' RULES

Mr. ABRAHAM. Mr. President, as my colleagues no doubt are aware, I joined with Senator HOLLINGS, to submit a concurrent resolution (S. Con. Res. 52) to reaffirm the Senate's support for the traditional, simple, and honest use of the ''Made in U.S.A.'' label. That use was in accordance with the long-standing rule that articles so labelled be made ''all or virtually all'' in the United States. Over two hundred members have cosponsored a measure similar to the Hollings-Abraham resolution in the House of Representatives, introduced by Representatives BOB FRANKS of New Jersey and JOHN DINGELL of Michigan.

Senator HOLLINGS, Congressman FRANKS and Congressman DINGELL joined me in sending a letter to the

Federal Trade Commission urging that agency to maintain the current standard. As we said in that letter, ''Any definition or enforcement standard of 'all or virtually all' that would allow more than a de minimis level of foreign content is unacceptable to us and, we strongly believe, would be unacceptable to the Congress.''

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 20, 1997.

Hon. ROBERT PITOFSKY,
Chairman, Federal Trade Commission,
Washington, DC.

DEAR CHAIRMAN PITOFSKY: We are writing this bicameral and bipartisan letter to reiterate our strong opposition to any weakening of the standard for the use of the ''Made in USA'' label. In light of recent press reports of possible Commission consideration of a new proposal to lower the ''Made in USA'' label standard to 89 percent U.S. domestic content, we felt compelled to reiterate what growing numbers of our colleagues in the Congress on both sides of the aisle are saying: neither we nor the American people will tolerate any lowering of the standard for the ''Made in USA'' label.

In its proposed guidelines issued last May, the Commission itself described the current standard as follows:

''Cases brought by the Commission beginning over 50 years ago established the principle that it was deceptive for a marketer to promote a product with an unqualified 'Made in USA' claim unless that product was wholly of domestic origin. Recently, this standard had been rearticulated to require that a product advertised as 'Made in USA' be 'all or virtually all' made in the United States, i.e., that all or virtually all of the parts are in the U.S. and all or virtually all of the labor is performed in the U.S. In both cases, however, the import has been the same: unqualified claims of domestic origin were deemed to imply to consumers that the product for which the claims were made was in all but de minimis amounts made in the U.S.A.''[1]

Clearly, an 89 percent U.S. Content standard would allow much more than a de minimis amount of foreign content and therefore would lower the standard for the use of the ''Made in USA'' label.

We the undersigned introduced legislation in both the House and Senate (H. Con. Res. 80 and S. Con. Res. 52, respectively) to specifically condemn any lowering of the standard for the use of the ''Made in USA'' label. H. Con. Res. 80 has now been cosponsored by 219 Representatives, a majority of the U.S. House (see enclosed cosponsor list). We note that these Members do not just represent votes against any weakening of the label. But are Members who felt strongly enough about this issue to join with us as cosponsors of this legislation. S. Con. Res. 52, while introduced only recently is receiving the same favorable reception as its companion in the House.

The language of these Resolutions is clear and to the point: ''Resolved by the House of Representatives (the Senate concurring), That the Congress (1) maintains that the standard for the ''Made in USA'' label should continue to be that a product was all or virtually all made in the United States; (2) urges the Federal Trade Commission to refrain from lowering this standard at the expense of consumers and jobs in the United States.''

Any definition or enforcement standard of ''all or virtually all'' that would allow more than a de minimis level of foreign content is unacceptable to us and, we strongly believe, would be unacceptable to the Congress.

We urge you to reject any recommendation to lower the current standard for the use of the ''Made in USA'' label and to enforce vigorously the current standard.

Thank you very much.

Sincerely,

JOHN DINGELL,
Member of Congress.
ERNEST HOLLINGS,
United States Senate.
BOB FRANKS,
Member of Congress.
SPENCER ABRAHAM,
United States Senate.

Mr. ABRAHAM. I have been informed that the FTC will soon make an announcement regarding the ''Made in USA'' label, probably next week. I am hopeful that the FTC will maintain the current standard, and urge my colleagues to contact the FTC to add their voices to the chorus calling for that decision.

I believe it is crucial for American workers and the American economy that we maintain the integrity of the ''Made in USA'' label. For over 50 years, consumer goods have worn this label when, and only when, they were made ''all or virtually all'' in the United States.

But recently the (FTC) announced plans to soften that rule, allowing companies to use the label any product on which they spent 75% of their total manufacturing costs, provided the product was last ''substantially transformed'' here in the United States. A product also could be labeled ''Made in USA'' if that product, and all its significant parts and other inputs, were last substantially transformed in the United States.

In practice, this means that products containing no materials or parts of U.S. origin could nonetheless be labeled ''Made in USA.''

I believe that would be wrong, These new rules would be a slap in the face to American workers. They also would in effect condone false advertising. Many Americans look specifically for the ''Made in USA'' label because they want to support American workers. These loyal Americans do not believe that they are purchasing products ''mostly'' made in the USA, let alone products for which ''most manufacturing costs'' were incurred in the USA, or which were ''substantially transformed'' in the USA. Quite rightly, consumers who look for the ''Made in USA'' label believe that when they purchase a product with that label they are getting something made all or virtually all in the United States.

Perhaps worst of all, Mr. President, these new rules will hurt American workers. Many companies have invested a great deal in plant and equipment, as well as hiring and training, in the United States. These companies have a right to expect that the ''Made in USA'' label, which they have worked so hard to earn and maintain, will continue to apply only to products made all, or virtually all, in the United States. If they lose that advantage, these companies may well decide to move some or all of their production—and American jobs—overseas.

To dilute the requirement for use of the ''Made in USA'' label would be to lower the value of that label. It would allow companies operating substantially overseas to deceive American consumers who are attempting to support truly American made products and workers. It would discourage companies from investing in this country by telling them, in effect, that they will no longer receive any benefit for keeping jobs at home. The result would be a loss of American jobs and morale, as well as a critical blow to consumer confidence in the veracity of product labels.

The American people have a right to expect that the ''Made in USA'' label will mean what it says. For over 50 years they have depended on that label to assure them that they are purchasing products made ''all or virtually all'' in the United States. I again call on the FTC to maintain the traditional standard for labelling products ''Made in USA,'' and urge my colleagues to do the same.

I yield the floor.

MESSAGE FROM THE PRESIDENT

REPORT CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

[1] Federal Trade Commission Request for Public Comment on Proposed Guides for the Use of U.S. Origin Claims, Federal Register, Vol. 62, No. 88, May 7, 1997, p. 25050.