

clarifications of the Senate gift rule and would not in any way alter the substance or the intent of that rule.

This technical corrections measure would correct an erroneous cross reference in the text of the gift rule and make three minor corrections to the text of the Brown amendment on reporting of income and assets.

It would also clarify that the personal friendship exception, which by its terms applies to "anything" accepted on the basis of personal friendship under the circumstances described, would cover personal hospitality provided by a friend. This clarification is being made because of confusion over the relationship between the personal friendship exception and the personal hospitality exception. In my view, the exception for "anything" provided on the basis of personal friendship already covers personal hospitality, so this clarification would not change either the substance or the intent of the rule.

Mr. WELLSTONE. Mr. President, I appreciate all of the work of the Ethics Committee staff and others to ensure that the tough new gift restrictions scheduled to go into effect January 1, 1996, will not have any technical problems associated with their implementation. The Ethics Committee has provided very useful technical guidance, and I believe that its effort to clarify questions now will generally improve the effective implementation of the new rule.

I do, however, have a concern about one interpretation described by Senator MCCONNELL and LEVIN, and wanted to outline that concern for the record. In one of the several colloquies between Senator LEVIN and Senator MCCONNELL designed to provide interpretive guidance to the Ethics Committee, a question is raised about the exception regarding informational materials provided to Senators and staff. This exchange is designed to ensure that acceptance of sets of books, such as encyclopedias or the annotated U.S. Code, would continue under the new rule to be prohibited—as is true under current Senate practice. This exchange is an effort to apply a tough, narrow interpretative standard to this provision, and I support its intent.

However, it might be inferred from the statements in the colloquy that the provision of all videotape—or even CD or audiotape—sets should be exempted from the new rule. An example is offered by Senator MCCONNELL of a series of videotapes produced by the Public Broadcasting Service—its much-acclaimed series on the Civil War—which years ago was permitted, under current rules, to be given to Members of Congress. One can imagine other examples of such videotape sets being offered to Senators, such as the recent PBS series on baseball, which might be treated similarly under current rules.

It is true current Senate rules would not prohibit members from receiving such taped sets. However, I have always understood the intent of the in-

formational materials exception in the new rule to be to foster free and unfettered communication with Members of the Senate and staff, allowing them to accept information that is generally designed to inform their legislative or other policy work.

In my judgment, a television entertainment series on the Civil War, or on the history of baseball, or on a similar topic, should generally be considered in a different light than other informational material that might, for example, help legislators form judgments about OSHA reform, the EPA, or some other topic. Thus such sets of videotapes should be considered gifts subject to the limits contained in the new rule. I believe the Ethics Committee should make judgments about how to interpret and apply this provision on a case-by-case basis, considering a number of factors in its interpretation, including most importantly the public policy nature of the informational material and its usefulness in informing legislators on appropriate issues.

While the technical amendments do not address this issue, this question has been raised now and I thought it would be useful to offer my own views for the further guidance of the Committee. I urge the Committee to consider carefully its interpretation of this provision. I will monitor closely the implementation of the rule in this area to ensure that it does not allow a loophole to develop that may be subject to abuse. If such abuse were to take place, I intend to move quickly to stop it.

Mr. HELMS. Madam President, I ask unanimous consent that the resolution be agreed to, and 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.

So the resolution (S. Res. 198) was agreed to, as follows:

S. RES. 198

*Resolved*, That (a) paragraph 1(c) of rule XXXV of the Standing Rules of the Senate (as added by section 1 of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in clause (3) by striking "section 107(2) of title I the Ethics in Government Act of 1978 (Public Law 95-521)" and inserting "section 109(16) of title I of the Ethics Reform Act of 1989 (5 U.S.C. App. 6)"; and

(2) in clause (4)(A) by inserting "including personal hospitality," after "Anything".

(b) Paragraph 3 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(a) of S. Res. 158, agreed to July 28, 1995) is amended—

(1) in the matter before clause (a) by striking "paragraph 2" and inserting "paragraph 1"; and

(2) in clause (b) by striking "income" and inserting "value".

(c) Paragraph 4 of rule XXXIV of the Standing Rules of the Senate (as added by section 2(b)(1) of S. Res. 158, agreed to July 28, 1995) is amended by striking "paragraph 2" and inserting "paragraph 1".

MAKING CERTAIN TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS

Mr. HELMS. Madam President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 1431 and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

A bill (S. 1431) to make certain technical corrections in laws relating to Native Americans, and for other purposes.

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

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

Mr. MCCAIN. Madam President, I rise to urge the Senate to pass S. 1431, a noncontroversial, no-cost bill whose sole purpose is to extend statutory deadlines for completing two Indian water rights settlements previously enacted and funded by the Congress. The authorizations for the Yavapai-Prescott and San Carlos Apache Water Rights settlements are set to expire on December 31, 1995.

This bill's two sections are identical to two of the 22 provisions in S. 325, which the Senate passed by unanimous consent on October 31, 1995. Because it appeared doubtful that the House and Senate could complete action on S. 325 by the end of the year, I introduced this separate bill on November 28, 1995, when it was referred to the Committee on Indian Affairs. I believe it is necessary to pass these two time-sensitive provisions as separate legislation so that the House can act before the end of this session.

Section 1 of S. 1431 would extend by 6 months the deadline for completing the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994. Under the original Act, the Secretary of the Interior is required to publish in the Federal Register by December 31, 1995, a statement of findings that includes a finding that contracts for the assignment of Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, the City of Prescott and the City of Scottsdale have concluded that additional time is necessary to finalize agreements and publish the Secretary's findings in the Federal Register. Accordingly, the amendment extends the deadline for completion of the settlement to June 30, 1996.

Section 2 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend by one year the deadline for the settlement parties to complete all actions needed to effect the settlement, in particular to conclude agreements between the San Carlos Apache Tribe and the Phelps-Dodge Corporation, and between the Tribe and the Town of Globe. This amendment would extend the deadline for settlement to December

31, 1996. The Department of the Interior, the San Carlos Apache Tribe and the other settlement parties all support this extension.

Madam President, it is extremely important for Congress to provide additional time to complete these historic settlements. The San Carlos Apache and Yavapai-Prescott agreements are the product of years of painstaking negotiation and effort by many parties. No one, and especially not the United States, would benefit from a lapse in the statutory authority for completing these settlements. Without the time extensions contained in S. 1431, the many fruits of these collective efforts could be lost. We simply cannot permit that to happen. I urge passage of the bill.

Mr. HELMS. Madam President, I ask unanimous consent that the bill be deemed read the third time, passed, 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.

So the bill (S. 1431) was deemed read the third time, and passed, as follows:  
S. 1431

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

**SECTION. 1. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.**

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

**SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.**

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102-575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

**ORDERS FOR FRIDAY, DECEMBER 8, 1995**

Mr. HELMS. Madam President, I ask unanimous consent that when the Senate completes its business today, it

stand in adjournment until the hour of 10 a.m., Friday, December 8, that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the consideration of Senate Joint Resolution 31, the constitutional amendment regarding the desecration of the flag.

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

**PROGRAM**

Mr. HELMS. For the information of all Senators, by a previous consent agreement, the cloture motion on the motion to proceed to Senate Joint Resolution 31 was withdrawn earlier, and the Senate will begin debate on the constitutional amendment regarding flag desecration at 10 a.m. tomorrow.

There will be no rollcall votes during Friday's session of the Senate. It is hoped that during Friday's session of the Senate, we will reach a consent agreement in which all amendments to the flag desecration bill would be debated on Monday. If an agreement can be reached, it may be possible that there will be no rollcall votes during Monday's session, and any vote ordered on Monday will occur on Tuesday. If an agreement cannot be reached on the constitutional flag amendment on Friday, then votes will be possible during Monday's session on amendments to Senate Joint Resolution 31, but those votes will not occur before 6 p.m. Monday.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. HELMS. If there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:17 p.m., adjourned until Friday, December 8, 1995, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate December 7, 1995:

**THE JUDICIARY**

CHARLES N. CLEVERT, JR., OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN VICE TERENCE T. EVANS, ELEVATED.

BERNICE B. DONALD, OF TENNESSEE, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE VICE ODELL HORTON, RETIRED.

**DEPARTMENT OF STATE**

CHARLES H. TWINING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

**IN THE AIR FORCE**

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

*To be major general*

BRIG. GEN. THOMAS R. CASE, 000-00-0000.  
BRIG. GEN. DONALD G. COOK, 000-00-0000.  
BRIG. GEN. CHARLES H. COOLIDGE, JR., 000-00-0000.  
BRIG. GEN. JOHN R. DALLAGER, 000-00-0000.  
BRIG. GEN. RICHARD L. ENGEL, 000-00-0000.  
BRIG. GEN. MARVIN R. ESMOND, 000-00-0000.  
BRIG. GEN. BOBBY O. FLOYD, 000-00-0000.  
BRIG. GEN. ROBERT H. FOGLESONG, 000-00-0000.  
BRIG. GEN. JEFFREY R. GRIME, 000-00-0000.  
BRIG. GEN. JOHN W. HAWLEY, 000-00-0000.  
BRIG. GEN. MICHAEL V. HAYDEN, 000-00-0000.  
BRIG. GEN. WILLIAM T. HOBBS, 000-00-0000.  
BRIG. GEN. JOHN D. HOPPER, JR., 000-00-0000.  
BRIG. GEN. RAYMOND P. HUOT, 000-00-0000.  
BRIG. GEN. TIMOTHY A. KINNAN, 000-00-0000.  
BRIG. GEN. MICHAEL C. KOSTELNIK, 000-00-0000.  
BRIG. GEN. LANCE W. LORD, 000-00-0000.  
BRIG. GEN. RONALD C. MARCOTTE, 000-00-0000.  
BRIG. GEN. GREGORY S. MARTIN, 000-00-0000.  
BRIG. GEN. MICHAEL J. MCCARTHY, 000-00-0000.  
BRIG. GEN. JOHN F. MILLER, JR., 000-00-0000.  
BRIG. GEN. CHARLES H. PEREZ, 000-00-0000.  
BRIG. GEN. STEPHEN B. PLUMMER, 000-00-0000.  
BRIG. GEN. DAVID A. SAWYER, 000-00-0000.  
BRIG. GEN. TERRYL J. SCHWALIER, 000-00-0000.  
BRIG. GEN. GEORGE T. STRINGER, 000-00-0000.  
BRIG. GEN. GARY A. VOELLGER, 000-00-0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. MARCUS A. ANDERSON, 000-00-0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. RICHARD M. SCOFIELD, 000-00-0000, U.S. AIR FORCE.