

The law as it is, has been written by Congress and interpreted by the Supreme Court does not thrust this painful choice upon the victims. However, the recent district and appellate court rulings on motions reveal the need to clarify existing law. In this regard, let me specify what the Victims' Rights Clarification Act of 1997 would and would not do.

The law would:

Clarify that a court shall not exclude a victim from witnessing a trial on the basis that the victim may, during the sentencing phase of the proceedings, make a victim impact statement.

Clarify that a court shall not prohibit a victim from making a victim impact statement solely because the victim had witnessed the trial.

Just as importantly, the law would not:

Eliminate a judge's discretion to exclude a victim's testimony that creates unfair prejudice, confuses the issues, or misleads the jury.

Attempt to strip a defendant of his or her constitutional rights.

Overtake any final judicial rulings.

The defendants in the Oklahoma City bombing case have argued to the court that, despite the victims' rights laws, the court has the responsibility to safeguard against any identifiable risk that emotion could overwhelm reason when the victims provide their victim impact testimony. According to the defendants, the only way that the court can meet this responsibility is to provide the victims with the Hobson's choice of witnessing the trial or providing victim impact statements. However, to paraphrase Justice O'Connor's eloquent statement in the Payne versus Tennessee case, the possibility that evidence may in some cases be unduly inflammatory does not justify a prophylactic, constitutionally based rule that this evidence may never be admitted.

It is for this reason that I am joining my cosponsors to clarify what rights victims in this country should and do have. There is more that needs to be done in this regard, but with this bipartisan legislation, we are taking an important and timely step in the right direction.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 101

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 101, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 139

At the request of Mr. FAIRCLOTH, the name of the Senator from Indiana [Mr.

COATS] was added as a cosponsor of S. 139, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 235

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 235, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

ADDITIONAL STATEMENTS

NUCLEAR WASTE POLICY ACT OF 1997

• Mr. DORGAN. Mr. President, yesterday the Senate Energy Committee voted to approve the Nuclear Waste Policy Act of 1997, S. 104, which would establish the construction of an interim facility to store spent nuclear fuel and high-level nuclear waste produced by the electric industry and by the military.

As a member of the Energy Committee, I voted against S. 104 for two reasons. First, I think today's markup of this legislation was premature. Only 2 days ago the Senate voted to confirm the new head of the Energy Department, Secretary Federico Peña. Clearly Mr. Peña hasn't had an opportunity to fully examine this complex issue. He will need some additional time to study S. 104 and offer his views and recommendations about it. Second, I still have some concerns about whether this bill will facilitate or frustrate getting

approval for a permanent disposal site of our Nation's spent nuclear fuel.

Having said this, I want my colleagues to understand that I think that this is an issue that needs immediate attention. The administration and Congress must sit down to negotiate a final solution to this problem as soon as possible. I hope some compromise can be reached that will allow me to vote for this legislation on the Senate floor. •

AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

Mr. JOHNSON. Mr. President, I want to express my strong support for the American Indian Transportation Improvement Act introduced by Senator DOMENICI. I am an original cosponsor of this bill because I feel strongly that the BIA and other Federal agencies must prioritize programs which develop infrastructure on reservations, and that the Congress must match those commitments with adequate funding. I know first hand the desperate need for road improvement and repair on South Dakota's Indian reservations, and I believe increased funding for road infrastructure must be a national priority.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. Unemployment on these extremely rural reservations averages above 50 percent. Yet economic depression on rural Indian reservations is not unique to my State. I strongly believe that road infrastructure is an integral and most basic component to economic development for Indian and non-Indian communities alike.

Senator DOMENICI's initiative increases funding for reservation roads through the existing Indian Reservation Roads [IRR] Program. This program returns a portion of the gasoline tax, paid by every Indian who buys gasoline, to Indian tribes for the design and construction of BIA roads. This bill also expands opportunities under the IRR Program and related ISTEA programs to improve the transportation system on our Nation's Indian reservations, including bridge construction, transit systems, highway enhancements, scenic byways, and Indian technical centers.

In South Dakota, BIA proposed funding for 1997 is 24 percent lower than 1996. Yet abysmal road conditions continue to worsen. There are nearly 8,000 miles of roads in my State, 1,156 miles of which are on reservations. Of these roads, 80 percent are in need of complete replacement. Another 10 percent