

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on January 14, 1997, during the adjournment of the Senate by the Acting President pro tempore (Mr. ROBERTS).

#### MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 40003 of Public Law 105-18, the minority leader appoints the following individuals to the National Commission on the Cost of Higher Education: Dr. Blanche Touhill of Missouri and Dr. Walter Massey of Georgia.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1997 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

EC-2485. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2486. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Conditional Exemption from Terminology Section of the Care Labeling Rule" received on July 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2487. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2488. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2489. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Abandonment and Discontinuance of

Rail Lines and Rail Transportation" received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2490. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1997-1998" received on July 10, 1997; to the Committee on Labor and Human Resources.

EC-2491. A communication from the Director of the Office of Public/Private Initiatives, the Commercial Service of the U.S.A., International Trade Administration, transmitting, pursuant to law, a rule entitled "Federal Register Notice" (RIN0625-XX07) received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2492. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2493. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Present State of Knowledge of the Upper Atmosphere 1996: An Assessment Report"; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-178. A resolution adopted by Manistee County Board of Commissioners, Manistee Michigan relative to the English language; to the Committee on Governmental Affairs.

POM-179. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION 4

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1988; and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by prompting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be imple-

mented in a manner that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts," and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

*Resolved, by the Senate and House of Representatives in General Court convened,* That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

POM-180. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION No. 53

Whereas, the integrity of Tennessee's infrastructure is dependent upon the continued support of the federal government and its funding mechanisms; and

Whereas, the Chickamauga Lock plays a significant role in the Tennessee Valley economy, serving as a getaway for the transporting of goods into and out of the Tennessee Valley; and

Whereas, located upstream from Chattanooga on the Tennessee River, the Chickamauga Lock is an integral part of the river's navigational system; and

Whereas, in recent years, the Chickamauga Lock has developed serious structural problems, which have caused it to deteriorate at a rapid pace, and, despite close monitoring by the Tennessee Valley Authority, the lock has now deteriorated to the point that repairs are ineffective; and

Whereas, TVA's final congressionally appropriated budget contains language prohibiting TVA from using 1997 funds for the new lock and from moving forward with detailed engineering and construction activities this fiscal year; and

Whereas, TVA estimates that, if left unchecked, the structural problems will cause the Lock to be closed to traffic by 2005, forcing the abandonment of over 350 miles of navigable waterway above Chattanooga; and

Whereas, closing the Chickamauga Lock would also result in the loss of several thousand jobs, an increase in the cost of alternative modes of transportation, a forfeiture of \$25 million annually in transportation savings, and pose serious problems for water-dependent industries and burgeoning waterfront development projects; and

Whereas, it is incumbent upon the members of this legislative body to ensure the continued welfare of all Tennesseans and to maintain the state's prominent position as a leader in the Southeast's economic development; now, therefore, be it

*Resolved by the Senate of the one-hundredth General Assembly of the State of Tennessee, the House of Representatives concurring.* That this General Assembly hereby supports the construction of a new Chickamauga Lock and memorializes the Congress of the United States to proceed expeditiously with engineering studies and to fund the replacement of the Chickamauga Lock on the Tennessee River; be it further

*Resolved.* That copies of this resolution be transmitted to the President and Secretary of the United States Senate, the Speaker and the Clerk of the House of Representatives of the United States, and to each member of the Tennessee Congressional Delegation.

POM-181. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 17

Whereas, men and women of the United States Armed Forces fought valiantly in the Persian Gulf in 1991 to protect the interests of their country; and

Whereas, more than 10,000 of these soldiers who fought for their country in the Persian Gulf are now suffering severe health problems believed to be a direct result of their service in the War and referred to as "Gulf War Syndrome," and by the end of 1993 the Secretary of Veterans Affairs had approved only 79 of 2,500 claims for disability compensation benefits from veterans whose symptoms have been attributed to Gulf War Syndrome; and

Whereas, the Department of Defense has recently acknowledged that United States soldiers were exposed to Iraqi chemical weapons during the War and nerve gas during a military operation after the War; and

Whereas, experts agree there should be more research into Gulf War Syndrome and its link to chemical agent exposure; now therefore be it

*Resolved.* That the General Assembly of the State of Ohio requests the Secretary of De-

fense to adequately research the cause and symptoms of Gulf War Syndrome and the President and Congress to adequately fund the care and relief of those veterans who have been exposed to the causes of the disease; and be it further

*Resolved.* That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the Secretary of Defense of the United States, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM-182. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

#### SENATE JOINT RESOLUTION No. 38

*Whereas,* the biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

*Whereas,* over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

*Whereas,* this Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

*Whereas,* the Department of Environmental Protection estimates it will cost more than \$15 billion to reclaim and restore abandoned mine lands; and

*Whereas,* the Commonwealth now receives about \$20 million a year from the Federal Government to do reclamation projects; and

*Whereas,* there is now a \$1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

*Whereas,* Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

*Whereas,* the Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

*Whereas,* Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

*Whereas,* making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

*Whereas,* the Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

*Resolved.* That the Senate of Pennsylvania urge the President of the United States and Congress make the \$1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; and be it further

*Resolved.* That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM-183. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 14

Whereas, The maintenance of a high quality road network is vital to the economic health of our state. As the home of the city that put America on wheels, we in Michigan appreciate this relationship instinctively. Roads of less than excellent quality impede commerce, discourage job formation, and diminish our quality of life. Road maintenance is simultaneously one of the least glamorous of tasks and one of the most important responsibilities that the state carries out; and

Whereas, We in Michigan levy a tax on the purchase of gasoline in order to repair and improve our system of roads and highways. As a tax on those who use the highways, it is one of our fairest means of raising revenue. Just as the states levy a tax on gasoline purchases, so too does the federal government. One consequence of the federal government's taxation of gasoline is the effective limit it places on states that need additional revenue for road repair. As maintenance costs rise and as cars become more fuel efficient, the ability of gasoline tax revenue to fund road work is diminished. In addition, increases in federal gasoline taxes effectively block states from raising state taxes on fuel due to the need to avoid too steep of an increase that might stifle economic growth; and

Whereas, If the federal government used its revenue from the federal gasoline tax to help states maintain their roads, this dual taxation might not be harmful in practice because the tax money would still repair our roads regardless of who collected the funds. Unfortunately, the 1993 federal gasoline tax increase of 4.3 cents per gallon has been devoted to deficit reduction. While deficit reduction is a valid and admirable goal, utilizing revenue from a source which should be earmarked for road maintenance effectively deprives the states of an adequate means to repair and expand their roads; now, therefore be it

*Resolved by the House of Representatives (the Senate concurring)* That we memorialize the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; and be it further

*Resolved.* That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-184. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Appropriations.

#### HOUSE RESOLUTION No. 25

Whereas, the men and women who served our country in the Persian Gulf War suffered significant economic losses when they were mobilized into active duty from reserve status. Many of these individuals, especially the self-employed, faced great personal difficulties upon their return to civilian life. Some lost businesses, which caused others to lose jobs and wages as well; and

Whereas, in recognition of the economic hardship to reservists called to active duty, the Congress included in the 1996 Defense Authorization Act provisions for the Ready Reserve Mobilization Income Insurance Program (RRMIIP). This initiative allows members of the ready reserve not already on active duty the option of buying insurance to provide coverage for income lost when and if they are called to leave their jobs to serve the country; and

Whereas, since its establishment, the RRMIIP has been a frustrating experience.

The reservists have been faced with confusion in signing up for the coverage. For those administering the program, administrative requirements have created a nightmare of paperwork, especially those mandating verification that those declining the program were indeed offered the opportunity to participate; and

Whereas, a glaring example of the problems with the RRMIP is the question of when a person can sign up and if coverage can be changed. A sixty-day window for enrollment was opened October 1, 1996. Due to administrative complications, another window for enrollment was opened later. However, reservists from the initial sign-up period were not allowed to enhance their coverage, and

Whereas, it is unfair to prevent those who signed up for coverage during the initial enrollment period the option of increasing coverage when this opportunity is presented to others. This is certainly not the practice when enrollments for insurance are opened for employees in other governmental agencies or institutions. This worthwhile program needs to be improved to better serve our reservists and their families. Failure to provide these needed improvements is an affront to those who have put themselves in peril for our nation, as well as to everyone who values the sacrifices our military reservists make on behalf of every American; now, therefore, be it

*Resolved*, That the Congress of the United States appropriate sufficient funds to ensure that the obligation to current enrollees is satisfied; and be it further

*Resolved by the House of Representatives*, That we memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 39. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 1011. A bill for the relief of Marina Khalina and her son, Albert Miftakhov; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 1012. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. LOTT, Mr. BURNS, and Ms. SNOWE):

S. 1013. A bill to provide for the guarantee of the payment of interest on loans to certain air carriers for the purchase of regional

jet aircraft to improve air transportation to underserved markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1014. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

##### HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to authorize and direct a land exchange which will greatly benefit the community of Sitka, AK. This bill will: ensure that an important water system now currently under an easement will be conveyed to the city of Sitka in order to provide its residents with an assured water supply into the future; provide for a spectacular inholding encompassing approximately 50 acres on Admiralty Island to be added to the Admiralty Island National Monument; extinguish a reversionary interest on land owned at Sitka by the Alaska Pulp Corp. In return for the extinguishment of the reversionary interest, the corporation will convey the 50-acre inholding on Admiralty Island to the Forest Service to be included in the monument, as well as the water system lands to the city of Sitka.

Mr. President, Admiralty Island is an area with outstanding conservation values. The land exchange authorized in the bill I am sponsoring will ensure that this private inholding is included in the monument and in the wilderness area as appropriate.

This exchange is supported by the city and borough of Sitka, and the city administrator has requested me to sponsor this legislation and expedite the exchange.

This exchange is truly in the best interests of all involved. The U.S. Government even comes out ahead on value. Recent appraisals for the various lands and interests exchanged show that the Admiralty Island land is valued at more than the reversionary interest which will be exchanged. As a condition of my legislation, the corporation is required to waive its right

to any compensation for this difference in value.

In summary, as a result of this exchange the Admiralty Island Monument land ownership pattern will be consolidated, the city of Sitka will receive valuable lands in fee ownership on which parts of its water system are located, and the corporation will be free of a problematic reversionary interest in its property. As a bonus, the Federal Government realizes a net benefit in the value of the exchange. This is a sound deal in the best interests of all parties.

It is my hope that this legislation can pass this body and the Congress in the near future.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

##### LEGISLATION TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. LAUTENBERG. Mr. President, today I am introducing legislation reauthorizing the New Jersey Coastal Heritage Trail Route. The New Jersey Coastal Heritage Trail is the crown jewel of the Jersey Shore and my bill will provide the necessary funding to complete the trail and preserve it for future generations of New Jersey residents and visitors.

The Coastal Heritage Trail Route was first authorized in 1988 through Public Law 100-515, legislation authored by former Senator Bill Bradley. I was proud to cosponsor. The legislation allowed the Secretary of the Interior to design a vehicular route that would enable the public to appreciate, enjoy, and work to protect, the nationally significant natural and cultural sites along the New Jersey coastline and the Delaware Bay. When completed, the trail system will include five self-discovery theme trails which travel along the coast of New Jersey. The 275 miles of the trail which will travel through eight counties, will begin north in Perth Amboy, continue down the Atlantic Coast to Cape May in the south, and head northwest along the Delaware Bay shoreline to Deepwater. The trail will be accessible from the Garden State Parkway and Route 49, and well-marked routes will lead from the corridors to regional welcome centers which will include interpretative information.

The National Park Service, through a partnership with the State of New Jersey, the Pinelands Commission, and local communities, recorded nearly 400 sites and developed alternative concepts for trail protection and interpretation. These activities were documented in the "Resource Inventory and Study of Alternatives", released in November 1990. In April 1991, after public review and comment of this document, the Park Service established an overall trail concept.