

Thursday, September 11, 1997

Daily Digest

HIGHLIGHTS

Senate passed Labor/HHS Appropriations, 1998.

Senate

Chamber Action

Routine Proceedings, pages S9097-S9241

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1162-1171, and S. Con. Res. 52.

Pages S9197-98

Measures Reported: Reports were made as follows:

S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and non-motorized river craft in the recreation area. (S. Rept. No. 105-78)

S. 590, to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado. (S. Rept. No. 105-79)

S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness, with an amendment in the nature of a substitute. (S. Rept. No. 105-80)

Page S9197

Measures Passed:

Labor/HHS Appropriations, 1998: By 92 yeas to 8 nays (Vote No. 235), Senate passed S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, after taking action on further amendments proposed thereto, as follows:

Pages S9097-S9133

Adopted:

Domenici (for Gorton) Modified Amendment No. 1122, to provide certain education funding directly to local educational agencies. (By 49 yeas to 51 nays (Vote No. 232), Senate earlier failed to table the amendment.)

Pages S9097, S9105-07

By 58 yeas to 42 nays (Vote No. 233), Nickles/Jeffords Amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Pages S9097-S9101, S9107

Craig/Jeffords Amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute.

Page S9097

By 87 yeas to 13 nays (Vote No. 234), Gregg Modified Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Pages S9097, S9101-05, S9107-08

Withdrawn:

Harkin/Bingaman/Kennedy Amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics.

Pages S9097, S9108

Coats/Gregg Amendment No. 1071, to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Page S9097

Condemning Bombing in Jerusalem: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 50, condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Pages S9239-40

Gorton (for Hutchinson) Amendment No. 1133, relating to monetary assistance to the Palestinian Authority and the size of the Palestinian police force.

Page S9239

FDA Administration Modernization and Accountability Act: Senate began consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, with a committee amendment in the nature of a substitute.

Pages S9133-57

Subsequently, the committee amendment was modified by inserting in lieu thereof the language of Jeffords Amendment No. 1130, in the nature of a substitute.

Pages S9145-57

A motion was entered to close further debate on Amendment No. 1130, listed above and, by unanimous-consent agreement, a vote on the cloture motion will occur on Tuesday, September 16, 1997.

Page S9146

Interior Appropriations, 1998: Senate began consideration of H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, agreeing to committee amendments with certain exceptions, and taking action on amendments proposed thereto, as follows:

Pages S9167-92

Adopted:

Gorton (for Gregg) Amendment No. 1132, to make technical corrections.

Page S9192

Senate will continue consideration of the bill on Monday, September 15, 1997.

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 100 yeas (Vote No. 236 EX), Joseph F. Bataillon, of Nebraska, to be United States District Judge for the District of Nebraska.

Pages S9162-63

By unanimous vote of 100 yeas (Vote No. 237 EX), Christopher Droney, of Connecticut, to be United States District Judge for the District of Connecticut.

Pages S9163-65

By 98 yeas to 1 nay (Vote No. 238 EX), Janet C. Hall, of Connecticut, to be United States District Judge for the District of Connecticut.

Pages S9165-66

Heidi H. Schulman, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

James Allan Hurd, Jr., of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Sharon J. Zealey, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2000.

Pages S9162-67

Messages From the House:

Page S9196

Measures Referred:

Pages S9196-97

Measures Placed on Calendar:

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Communications:

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Petitions:

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Executive Reports of Committees:

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Statements on Introduced Bills:

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Additional Cosponsors:

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Amendments Submitted:

Pages S9219-37

Notices of Hearings:

Page S9237

Authority for Committees:

Page S9237

Additional Statements:

Pages S9237-39

Record Votes: Seven record votes were taken today. (Total—238)

Pages S9107-08, S9116, S9163, S9165-66

Adjournment: Senate convened at 9 a.m., and adjourned at 6:14 p.m., until 10 a.m., Friday, September 12, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9240.)

Committee Meetings

(Committees not listed did not meet)

GLOBAL TOBACCO SETTLEMENT

Committee on Agriculture, Nutrition, and Forestry: Committee held hearings to examine the terms and parameters of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in America, focusing on its long-term impact on farmers, children and the public health, receiving testimony from David A. Kessler, Yale University, New Haven, Connecticut, former U.S. Commissioner of Food and Drugs; C. Everett Koop, Dartmouth College, Hanover, New Hampshire, former U.S. Surgeon General; Colorado Attorney General Gale Norton, Denver; J. Phil Carlton, Raleigh, North Carolina, former North Carolina Supreme Court Associate Justice; J. Walter Sinclair, Twin Falls, Idaho, on behalf of the American Heart Association; Scott D. Ballin, National Center for Tobacco-Free Kids, Washington, D.C.; and Jeffrey E. Harris, Massachusetts General Hospital, Boston.

Hearings continue on Thursday, September 18.

ALASKAN LANDS

Committee on Energy and Natural Resources: Committee concluded hearings on the following bills:

S. 660, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, after receiving testimony from Tom Fry, Deputy Director, Bureau of Land Management, Department of the Interior; Jerome B. Komisar, University of Alaska, Fairbanks; Bart Koehler, Southeast Alaska Conservation Council, Juneau; and Kevin Tritt, University of Alaska, Anchorage; and

S. 1092, to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, after receiving testimony from John Rogers,

Deputy Director, United States Fish and Wildlife Service, Department of the Interior; City Manager Gary Hennigh, King Cove, Alaska; and Jack Hession, Sierra Club, Marvin Hoff, Agdaagux Tribal Council, and Della Trumble, King Cove Corporation, all of Anchorage, Alaska.

AMERICAN BATTLE MONUMENTS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation and Recreation concluded hearings on the implementation of the Commemorative Works Act (P.L. 99-652) and the administrative and public processes involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial, after receiving testimony from John G. Parsons, Associate Superintendent, Stewardship and Partnership, National Capitol Region, National Park Service, Department of the Interior, on behalf of the National Capital Memorial Commission; Patricia Elwood, National Capitol Planning Commission, Charles Atherton, Commission of Fine Arts, Roger K. Lewis, Friends of the Mall, and Gen. Carl Mundy, USMC (Ret.), on behalf of World USO, all of Washington, D.C.; Maj. Gen. John P. Herrling, USA (Ret.), on behalf of the American Battle Monuments Commission, Edward S. Grandis, on behalf of the Friends of Iwo Jima, Gen. Robert Springer, USAF (Ret.), on behalf of the Air Force Memorial Foundation, and Gen. John A. Shaud, USAF (Ret.), on behalf of the Air Force Association, all of Arlington, Virginia.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

An original bill to approve and implement the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (Shipbuilding Agreement), negotiated under the auspices of the Organization for Economic Cooperation and Development.

S. 343, to authorize the extension of permanent nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia;

S. 1093, to authorize the extension of permanent nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic; and

S. 747, to amend trade laws and related provisions to clarify the designation of normal trade relations; and

The nominations of Kenneth S. Apfel, of Maryland, to be Commissioner of Social Security, Social Security Administration, Nancy-Ann Minn DeParle, of Tennessee, to be Administrator of the Health Care Financing Administration, and Olivia A. Golden, of the District of Columbia, to be Assistant Secretary for Family Support, both of the Department of Health and Human Services, and David A. Lipton, of Massachusetts, to be Under Secretary for International Affairs, Timothy F. Geithner, of New York, to be Deputy Under Secretary, Gary Gensler, of Maryland, to be Assistant Secretary for Financial Markets, and Nancy Killefer, of Florida, to be Assistant Secretary and Chief Financial Officer, all of the Department of the Treasury.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Susan E. Rice, of the District of Columbia, to be Assistant Secretary of State for African Affairs, Brian Dean Curran, of Florida, to be Ambassador to the Republic of Mozambique, Timberlake Foster, of California, to be Ambassador to the Islamic Republic of Mauritania, Tom McDonald, of Ohio, to be Ambassador to the Republic of Zimbabwe, Nancy Jo Powell, of Iowa, to be Ambassador to the Republic of Uganda, and Amelia Ellen Shippy, of Washington, to be Ambassador to the Republic of Malawi, after the nominees testified and answered questions in their own behalf. Mr. McDonald was introduced by Senators DeWine and Glenn.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee continued hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Samuel R. Berger, Assistant to the President for National Security Affairs.

Hearings continue on Tuesday, September 16.

MEDICAL INFORMATION PRIVACY

Committee on Labor and Human Resources: Committee held hearings to examine an Administration study on the confidentiality of medical information and recommendations on ways to protect the privacy of individually identifiable information and to establish strong penalties for those who disclose such information, receiving testimony from Donna E. Shalala, Secretary of Health and Human Services.

Hearings continue on Thursday, September 25.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 2453–2469; 2 private bills, H.R. 2470–2471; and 2 resolutions, H. Res. 227 and 229, were introduced.

Pages H7261–63

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 2378, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998 (H. Rept. 105–240, Part III); and

H. Res. 228, waiving points of order against the conference report to accompany H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998 (H. Rept. 105–248). Page H7261

Canada-U.S. Interparliamentary Group: The Speaker appointed the following members to the Canada-United States Interparliamentary Group, in addition to Representative Houghton, Chairman, appointed on March 13, 1997: Representatives Bereuter, Goss, Stearns, Manzullo, English of Pennsylvania, Sanford, Hamilton, Oberstar, Peterson of Minnesota, Danner, and Hastings of Florida. Page H7201

Labor, HHS, and Education Appropriations Act: The House continued consideration of amendments to H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. The House completed general debate and considered amendments to the bill on September 4, 5, 8, 9, and 10. Pages H7206–47

Agreed to:

The Hyde amendment that updates current law and prohibits the use of federal funds for abortions in managed care contracts and clarifies the exception for life threatening conditions (agreed to by a recorded vote of 270 ayes to 150 noes, Roll No. 388); and

Pages H7229–31

The Hastert amendment that prohibits funding for any program of distributing needles for the injection of any illegal drug (agreed to by a recorded vote of 266 ayes to 158 noes, Roll No. 391); and

Pages H7217–29, H7233

The Hoyer amendment that increases CDC funding by \$7 million for research on pfiesteria that is infecting fish in the eastern United States and reduces Department of Labor, State Unemployment In-

surance and Employment Service Operations funding accordingly. Pages H7235–37

Rejected:

The Hefley amendment that sought to reduce funding for the Corporation for Public Broadcasting by \$50 million (rejected by a recorded vote of 155 ayes to 265 noes, Roll No. 389);

Pages H7209–14, H7232

The Crane amendment that sought to eliminate funding for the Corporation for Public Broadcasting (rejected by a recorded vote of 78 ayes to 345 noes, Roll No. 390); and

Pages H7207–09, H7232–33

The Hostettler amendment that sought to adjust the employer business activity threshold applicable to jurisdiction of labor disputes by the National Labor Relations Board (rejected by a recorded vote of 176 ayes to 235 noes, Roll No. 392).

Pages H7239–46

Withdrawn:

The Emerson amendment was offered, but subsequently withdrawn, that sought to prohibit funding to implement any voluntary residency reduction plan that would result in a reduction of residents in primary care who would be available to practice in underserved rural areas;

Pages H7237–38

The Romero-Barcelo amendment was offered, but subsequently withdrawn, that sought to increase allotments to territories under the State Children's Health Insurance Program; and

Page H7238

The Fattah amendment was offered, but subsequently withdrawn, that sought to prohibit funding to any state or education agency that has a variation of per pupil expenditure between school districts that is greater than 10 percent.

Pages H7238–39

Rejected the Miller of California motion to rise by a yea-and-nay vote of 39 ayes to 362 noes, Roll No. 387.

Pages H7221–22

The bill is being considered pursuant to the order of the House of Thursday, July 31. Pages H6667–69

Condolences on the Death of Mother Teresa: The House agreed to H. Res. 227, expressing the condolences of the House of Representatives on the death of Mother Teresa of Calcutta. Pages H7248–53

Legislative Program: The Majority Leader announced the legislative program for the week of September 15. Page H7247

Meeting Hour—September 15: Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, September 15. Page H7247

Meeting Hour—September 16: Agreed that when the House adjourns on Monday, September 15, it

adjourn to meet at 10:30 a.m. on Tuesday, September 16, for morning-hour debate. **Page H7247**

Calendar Wednesday: Agreed that the business in order under the calendar Wednesday rule be dispensed with on Wednesday, September 17.

Page H7247

Senate Messages: Message received from the Senate today appears on page H7201.

Referral: S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999 was referred to the Committee on the Judiciary.

Page H7259

Amendments: Amendments ordered printed pursuant to the rule appear on page H7264.

Quorum Calls—Votes: One yea-and-nay vote and five recorded votes developed during the proceedings of the House today and appear on pages H7222, H7231, H7232, H7232–33, H7233, and H7245–46.

There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 6:27 p.m.

Committee Meetings

PUBLIC-PRIVATE PARTNERSHIP OF FOOD BANKS

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing to review food banks and the participation of the private sector in the delivery of food assistance. Testimony was heard from Representatives Baker and Cooksey; Shirley R. Watkins, Under Secretary, Food, Nutrition, and Consumer Services, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Met but took no action on pending legislation.

Adjourned subject to call.

OSHA'S REINVENTION PROJECT

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing to examine OSHA's Reinvention Project. Testimony was heard from public witnesses.

RURAL HEALTH CARE PROGRAM

Committee on Government Reform and Oversight: Subcommittee on Human Resources continued oversight hearings on the Need for Better Focus in the Rural Health Clinic Program (RHC) Part II. Testimony was heard from Bernice Steinhardt, Director, Health Service Quality and Public Health, GAO; Claude

Earl Fox, Acting Administrator, Health Resource Services Administration, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Committee favorably considered and adopted a motion urging the Chairman to request that the following measures be considered on the Suspension Calendar: H. Res. 217, recognizing the important contributions made by Americans of Austrian heritage; H. Con. Res. 139, amended, expressing the sense of the Congress that the United States Government should fully participate in EXPO 2000 in the year 2000, in Hanover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking; and H. Con. Res. 137, expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action the following bills: H.R. 872, amended, Biomaterials Access Assurance Act of 1997; and H.R. 2440, to make technical corrections to Section 10 of title 9, United States Code.

ELECTRONIC THEFT ACT; ELECTRIC COPYRIGHT PIRACY

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2265, No Electronic Theft (NET) Act, and also on electronic copyright piracy. Testimony was heard from Marybeth Peters, Register of Copyrights, Copyright Office of the United States, Library of Congress; Kevin Di Gregory, Deputy Assistant Attorney General (Criminal Division), Department of Justice; and public witnesses.

CELLULAR TELEPHONE FRAUD

Committee on the Judiciary: Subcommittee on Crime held a hearing on cellular telephone fraud. Testimony was heard from Michael C. Stenger, Special Agent in Charge, Financial Crimes Division, Department of the Treasury; the following officials of the Department of Justice: John Navarrete, Deputy Assistant Director, FBI; and Anthony R. Bocchichio, Assistant Administrator, Operational Support Division, DEA; and public witnesses.

OCEAN SENSE OF CONGRESS RESOLUTION; NATION'S FISHERIES MANAGEMENT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full

Committee action amended H. Con. Res. 131, expressing the sense of Congress regarding the ocean.

The Subcommittee also held an oversight hearing to review the management of our Nation's fisheries by the National Marine Fisheries Service. Testimony was heard from Rolland Schmitten, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce.

OVERSIGHT—AFFECT OF INTERNATIONAL FORESTRY AGREEMENTS

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on the affect of international forestry agreements on U.S. Forest Service decision-making. Testimony was heard from Rafe Pomerance, Deputy Assistant Secretary, Environment and Development, Department of State; and the following officials of the Forest Service, USDA: Michael Dombeck, Chief; and Valdis Mezainis, Director, Office of International Programs; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action amended the following measures: H.R. 2400, Water-Related Technical Corrections Act of 1997; and H.R. 1400, Tumalo Irrigation District Water Conservation Project Authorization Act.

The Subcommittee also held a hearing on the following bills: H.R. 1400 and H.R. 2398, Small Reclamation Water Resources Project Act of 1997. Testimony was heard from a public witness.

CONFERENCE REPORT—MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Rules: Granted a rule that waives all points of order against the conference report to accompany H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Packard and Hefner.

PREPARING FOR EL NINO

Committee on Science: Subcommittee on Energy and Environment held a hearing on Preparing for El Nino. Testimony was heard from J. Michael Hall, Director, Office of Global Programs, NOAA, Department of Commerce; Michael Armstrong, Associate Director, Office of Mitigation, FEMA; I. Miley Gonzalez, Under Secretary, Research, Education and Economics, USDA; Douglas Wheeler, Secretary, State Resources Agency, State of California; and public witnesses.

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT

Committee on Science: Subcommittee on Technology approved for full Committee action H.R. 2429, to reauthorize the Small Business Technology Transfer Program through fiscal Year 2000.

SMALL BUSINESS REGULATORY ASSISTANCE ACT

Committee on Small Business: Subcommittee on Regulatory Reform and Paperwork Reduction and the Subcommittee on Government Programs and Oversight held a joint hearing on H.R. 96, Small Business Regulatory Assistance Act of 1997. Testimony was heard from Representative Solomon; Johnnie Albertson, Associate Administrator, Small Business Development Centers, SBA; and public witnesses.

VETERANS' LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 2367, Veterans' Compensation Cost-of-Living Adjustment Act of 1997; H.R. 2206, amended, Veterans Health Programs Improvement Act of 1997; and S. 923, amended, to deny veterans benefits to persons convicted of Federal capital offenses.

NAFTA—ADMINISTRATION'S COMPREHENSIVE REVIEW

Committee on Ways and Means: Subcommittee on Trade held a hearing on the Administration's comprehensive review of the North American Free Trade Agreement (NAFTA). Testimony was heard from Representatives Levin, Kaptur, Kolbe, Velazquez and Reyes; Jeffrey M. Lang, Deputy U.S. Trade Representative; JayEtta Hecker, Associate Director, International Relations and Trade Issues, National Security and International Affairs Division, GAO; and public witnesses.

SECURITY AND FREEDOM THROUGH ENCRYPTION (SAFE) ACT

Permanent Select Committee on Intelligence: Met in executive session and ordered reported amended H.R. 695, Security and Freedom Through Encryption (SAFE) Act.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 12, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations, meeting, to discuss the nomination of William F. Weld, of Massachusetts, to be Ambassador to Mexico, 11:30 a.m., SD-419.

Committee on Governmental Affairs, to hold hearings on S. 981, to provide for the analysis of major regulatory rules by Federal agencies, 9 a.m., SD-342.

Committee on the Judiciary, Subcommittee on Immigration, to hold hearings to examine proposals to permanently extend the expiring provision of immigration law which allows religious workers to be sponsored by reli-

gious organizations in the United States, 10 a.m., SD-226.

House

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, oversight hearing on Defense Surplus Property, 9:30 a.m., 2154 Rayburn.

Next Meeting of the SENATE
10 a.m., Friday, September 12

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Monday, September 15

Senate Chamber

Program for Friday: No legislative business is scheduled.

House Chamber

Program for Monday: No legislative business.

Extensions of Remarks, as inserted in this issue

HOUSE

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