

Thursday, December 7, 1995

Daily Digest

HIGHLIGHTS

Senate passed Commerce, Justice, State Appropriations Conference Report.

Senate passed Partial-Birth Abortion Ban.

Senate

Chamber Action

Routine Proceedings, pages S18117–S18251

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1453–1460, and S. Res. 198. **Page S18232**

Measures Reported: Reports were made as follows:

Special Report entitled “Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996” (S. Rept. No. 104–180)

S. 1459, to provide for uniform management of livestock grazing on Federal land. (S. Rept. No. 104–181)

S. 776, to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act, with an amendment in the nature of a substitute. (S. Rept. No. 104–182)

S. 956, to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, with an amendment in the nature of a substitute.

S. 1340, to require the President to appoint a Commission on Concentration in the Livestock Industry, with an amendment in the nature of a substitute. **Page S18232**

Measures Passed:

Partial-Birth Abortion Ban: By 54 yeas to 44 nays (Vote No. 596), Senate passed H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, after taking action on amendments proposed thereto, as follows: **Pages S18183–S18228**

Adopted:

(1) Smith Amendment No. 3080, to provide a life-of-the-mother exception. **Pages S18183–98**

(2) By a unanimous vote of 98 yeas (Vote No. 592), Dole Amendment No. 3081 (to Amendment No. 3080), of a perfecting nature. **Pages S18183–98**

(3) Brown Amendment No. 3085, to limit the ability of dead beat fathers and those who consent to the mother receiving a partial-birth abortion to collect relief. **Pages S18222–23**

(4) Brown Amendment No. 3090, to limit liability under this Act to the physician performing the procedure involved. **Page S18223**

(5) Smith Amendment No. 3091, to strike the affirmative defense provisions. **Page S18223**

Rejected:

By 47 yeas to 51 nays (Vote No. 593), Boxer Amendment No. 3083 (to Amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman. **Pages S18183–98**

By 44 yeas to 53 nays (Vote No. 595), Feinstein/Simpson Amendment No. 3092, in the nature of a substitute. **Pages S18224–27**

Withdrawn:

Pryor Amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs. **Page S18222**

Smith (for DeWine/Dodd) Amendment No. 3088 (to Amendment No. 3082), to express the sense of the Senate that the Senate Committee on the Judiciary should conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code, (as amended by the Uruguay Round Agreements Act) on the approval of generic drugs. (By 48 yeas to 49 nays, 1 responding present (Vote No. 594), Senate failed to table the amendment.) **Pages S18198–S18222**

Subsequently, the amendment fell when Amendment No. 3028, listed above, was withdrawn.

Technical Changes: Senate agreed to S. Res. 198, to make certain technical changes to S. Res. 158. **Pages S18249–50**

Technical Corrections: Committee on Indian Affairs was discharged from further consideration of S.

1431, to make certain technical corrections in laws relating to Native Americans, and the bill was then passed.

Pages S18250–51

Commerce/Justice/State/Judiciary Appropriations—Conference Report: By 50 yeas to 48 nays (Vote No. 591), Senate agreed to the conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, clearing the measure for the President.

Pages S18127–83

ICC Termination Act—Conferees: Senate insisted on its amendment to H.R. 2539, to abolish the Interstate Commerce Commission, and to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Pressler, Stevens, Burns, Lott, Hutchison, Ashcroft, Hollings, Inouye, Exon, Rockefeller, and Breaux.

Page S18249

Flag Desecration—Agreement: A unanimous-consent agreement was reached providing for the consideration of S.J. Res. 31, proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, on Friday, December 8, 1995.

Pages S18228–29

Subsequently, the pending cloture vote on the motion to proceed to consideration of the resolution, scheduled for Friday, December 8, 1995, was vitiated.

Pages S18228–29

Start II Treaty—Agreement: A unanimous-consent agreement was reached providing for the consideration of The Treaty with the Russian Federation for Further Reduction and Limitation of Strategic Offensive Arms (the START II Treaty) (Treaty Doc. No. 103–1).

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Nominations Received: Senate received the following nominations:

Charles N. Clevert, Jr., of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Bernice B. Donald, of Tennessee, to be United States District Judge for the Western District of Tennessee.

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 of the United States of America to the Republic of Equatorial Guinea.

29 Air Force nominations in the rank of general.

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Messages From the House: Pages S18231–32

Measures Placed on Calendar: Page S18232

Executive Reports of Committees: Page S18232

Statements on Introduced Bills: Pages S18233–44

Additional Cosponsors: Pages S18244–45

Amendments Submitted: Pages S18245–46

Notices of Hearings: Page S18246

Authority for Committees: Page S18246

Additional Statements: Pages S18246–49

Record Votes: Six record votes were taken today. (Total—596)

Pages S18182–83, S18198, S18222, S18227, S18228

Adjournment: Senate convened at 9 a.m., and adjourned at 11:17 p.m., until 10 a.m., on Friday, December 8, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S18251.)

Committee Meetings

(Committees not listed did not meet)

PROHIBITION OF RETROACTIVE TAX INCREASES

Committee on Governmental Affairs: Committee held hearings on S. 94, to prohibit the House of Representatives or the Senate from considering any measure that increases a tax and applies such increase to taxable years beginning before the date of the enactment of the law, receiving testimony from Senators Coverdell and Hutchison; Joseph E. Schmitz, Besozzi, Gavin, Craven, and Schmitz, Nancy L. Mitchell, Citizens for a Sound Economy, Peter Ferrara, Americans For Tax Reform, and Rick Rule, Covington and Burling, all of Washington, D.C.; Wayne Nelson, Winner, South Dakota, on behalf of Communicating for Agriculture, Inc.; and Robert J. Proctor, Southeastern Legal Foundation, Atlanta, Georgia.

Hearings were recessed subject to call.

BUSINESS MEETING

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

The nominations of Hugh Lawson, to be United States District Judge for the Middle District of Georgia, Patricia A. Gaughan, to be United States District Judge for the Northern District of Ohio, John Thomas Marten, to be United States District Judge for the District of Kansas, and Tommy Edward Jewel III, of New Mexico, to be a Member of the Board of Directors of the States Justice Institute;

S. 956, to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, with an amendment in the nature of a substitute; and

S. 1340, to direct the President to appoint a Commission on Concentration in the Livestock Industry to review and report on specified meat packing industry matters, including certain studies, effects of antitrust laws, and prices, with an amendment in the nature of a substitute.

SENATE TECHNOLOGY MANAGEMENT

Committee on Rules and Administration: Committee held hearings to examine information management

issues relative to United States Senate technology, receiving testimony from Christopher Hoening, Director of Information Management Issues, General Accounting Office; Commander Craig B. Luigart, Program Manager, Information Network Project Office, Department of the Navy; Kimberly Jenkins, Highway 1, Washington, D.C.; William A. Ruh, MITRE Corporation, McLean, Virginia; Ron J. Ponder, AT&T, Basking Ridge, New Jersey; and Carl B. Patch, Mobil Oil, Fairfax, Virginia.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 2736–2751; 2 private bills, H.R. 2752–2753; and 1 resolution, H. Res. 294 were introduced. **Pages H14238–39**

Reports Filed: Reports were filed as follows:

H. Res. 293, providing for consideration of H.R. 2621, to enforce the public debt limit and to protect the social security trust funds and other Federal trust funds and accounts invested in public debt obligations (H. Rept. 104–388);

H.R. 394, to amend title 4 of the United States Code to limit State taxation of certain pension income, amended (H. Rept. 104–389); and

H.R. 2196, to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, amended (H. Rept. 104–390). **Pages H14237–38**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Shaw to act as Speaker pro tempore for today. **Page H14175**

VA–HUD Appropriations: By a yea-and-nay vote of 227 yeas to 190 nays, Roll No. 844, the House agreed to the conference report on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996. **Pages H14187–H14204**

House receded from its disagreement to the Senate amendment numbered 63, regarding funding for the Corporation for National and Community Service, with an amendment—clearing the measure for Senate action. **Pages H14203–04**

By a yea-and-nay vote of 198 yeas to 219 nays, Roll No. 843, rejected the Obey motion to recommit the conference report to the committee of conference with instruction that the House conferees insist on the House position to Senate amendment numbered 4, regarding funding for Veterans Administration's medical care. **Pages H14201–02**

H. Res. 291, the rule which waived points of order against the conference report, was agreed to earlier by a yea-and-nay vote of 242 yeas to 175 nays, Roll No. 842. **Pages H14182–87**

Legislative Program: The Majority Leader announced the legislative program for the week of December 11. Agreed to adjourn from Thursday to Monday. **Pages H14204–05**

Recess Authority: It was made in order for the Speaker to declare a recess at any time on Tuesday, December 12, 1995, subject to the call of the Chair, for the purpose of receiving in Joint Meeting His Excellency Shimon Peres, Prime Minister of Israel. **Page H14205**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of Wednesday, December 13. **Page H14205**

Ryan White Comprehensive AIDS Resources: House insisted on its amendments to S. 641, amended, to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990; and agreed to a conference. Appointed as conferees: Representatives Bliley, Bilirakis, Coburn, Waxman, and Studds. **Page H14205**

Federal Reporting Requirements: House agreed to the Senate amendments to the House amendment to

S. 790, to provide for the modification or elimination of Federal reporting requirements—clearing the measure for the President. **Page H14206**

Debt Limit Increase: House agreed to the Archer motion to refer to the Committee on Ways and Means the veto message and accompanying bill on H.R. 2586, to provide for a temporary increase in the public debt limit. **Page H14206**

Quorum Calls—Votes: Three yea-and-nays votes developed during the proceedings of the House today and appear on pages H14187, H14201-02, and H14202-03. There were no quorum calls.

Adjournment: Met at 11 a.m. and adjourned at 7:35 p.m.

Committee Meetings

FARMER MAC STATUS; FARMER MAC REFORM ACT

Committee on Agriculture: Subcommittee on Resource Conservation, Research, and Forestry held a hearing on the Status of the Federal Agricultural Mortgage Corporation (Farmer Mac) and on H.R. 2130, Farmer Mac Reform Act of 1995. Testimony was heard from the following officials of the Farm Credit Administration: Marsha P. Martin, Chairman; and Eugene Branstool, Chairman, Federal Agricultural Mortgage Corporation (Farmer Mac); and Charles O. Sethness, Manager, Finance Department, Inter-American Development Bank.

SMITHSONIAN INSTITUTION SESQUICENTENNIAL COMMEMORATIVE COIN

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy approved for full Committee action amended H.R. 2627, Smithsonian Institution Sesquicentennial Commemorative Coin Act of 1995.

MISCELLANEOUS MEASURE; DEMOCRACY, RULE OF LAW AND POLICE TRAINING ASSISTANCE

Committee on International Relations: Ordered reported amended H. Con. Res. 117, concerning writer, political philosopher, human rights advocate, and Nobel Peace prize nominee Wei Jingsheng.

The Committee also held a hearing on Democracy, Rule of Law and Police Training Assistance. Testimony was heard from the following officials of the Department of State: Timothy Wirth, Under Secretary, Global Affairs; and Ambassador Robert Gelbard, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs; J. Brian Atwood, Administrator, AID, U.S. International Development Cooperation Agency; Jamie S. Gorelick,

Deputy Attorney General, Department of Justice; and Penn Kemble, Deputy Director, U.S. Information Agency.

BANKRUPTCY JUDGESHIP ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 2604, Bankruptcy Judgeship Act of 1995. Testimony was heard from Paul A. Magnuson, Chief Judge, U.S. District Court of Minnesota and Chairman, Committee on Administration of the Bankruptcy System, U.S. Judicial Conference; Paul Mannes, Chief Bankruptcy Judge, District of Maryland, Chairman, Advisory Committee on Bankruptcy, U.S. Judicial Conference; William A. Anderson, Bankruptcy Judge, Western District of Virginia; and a public witness.

EQUAL OPPORTUNITY ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 2128, Equal Opportunity Act of 1995. Testimony was heard from Representatives Molinari, Fowler, and Jackson-Lee; Deval Patrick, Assistant Attorney General, Civil Rights Division, Department of Justice; and public witnesses.

ANTICOUNTERFEITING CONSUMER PROTECTION

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2511, Anticounterfeiting Consumer Protection Act of 1995. Testimony was heard from Philip G. Hampton II, Assistant Commissioner for Trademarks, Patent and Trademark Office, Department of Commerce; Leonard S. Walton, Deputy Assistant Commissioner, Office of Investigations, U.S. Customs Service, Department of the Treasury; and public witnesses.

OVERSIGHT—"COPS" PROGRAM

Committee on the Judiciary: Subcommittee on Crime held an oversight hearing on the "COPS" Program, authorized by the Public Safety Partnership and Community Policing Act of 1994 (Title I of the Violent Crime Control and Law Enforcement Act of 1994). Testimony was heard from the following officials of the Office of Community Oriented Policing Services, Department of Justice: Joseph E. Brann, Director; Benjamin Tucker, Deputy Director; and L. Anthony Sutin, Deputy Director, Administration.

OVERSIGHT—AGRICULTURAL GUEST WORKER PROGRAMS

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on agricultural guest worker programs. Testimony was

heard from John Fraser, Deputy Administrator, Wage and Hour Division, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands approved for full committee action H.J. Res. 70, authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

Prior to this action, the Subcommittee held a hearing on H.J. Res. 70 and the following measures: H.R. 810, Revolutionary War and War of 1812 Historic Preservation Study Act of 1995; and H.R. 970, to improve the administration of the Women's Rights National Historical Park in the State of New York. Testimony was heard from Representatives Dixon, Morella, and Deal of Georgia; Denis Galvin, Associate Director, Planning Professional Services, National Park Service, Department of the Interior; and a public witness.

PUBLIC DEBT LIMIT ENFORCEMENT

Committee on Rules: Granted, by voice vote, a closed rule providing for consideration of H.R. 2621, to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations. The rule provides for the adoption of the amendment recommended by the Committee on Ways and Means printed in the report of the Committee on Rules. The rule also provides 1 hour of debate. Finally, the rule provides one motion to recommit. Testimony was heard from Chairman Archer and Representative Gibbons.

FAA R&D PROGRAMS—INDUSTRY PERSPECTIVE

Committee on Science: Subcommittee on Technology held a hearing on An Industry Perspective of FAA R&D Programs. Testimony was heard from Robert E. Whitehead, Associate Administrator, Office of Aeronautics, NASA; Alan R. Thomas, Deputy Assistant Administrator, Oceanic and Atmospheric Research, NOAA, Department of Commerce; William Laynor, Chief Technical Advisor, National Transportation Safety Board.

COMMITTEE BUSINESS

Committee on Standard of Official Conduct: Met in executive session to consider pending business.

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

Committee on Standards: On December 6, the Committee met in executive session and unanimously voted a Resolution of Preliminary Inquiry and will

hire a special counsel in the matter of Representative Gingrich.

PUBLIC AIRCRAFT AND SPECIAL PURPOSE AIRCRAFT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Regulation of Public Aircraft by the FAA under Public Law 103-411 and on proposed restrictions on the use of Certain Special Purpose Aircraft under H.R. 1320, Special Purpose Aircraft Safety Act of 1995, Testimony was heard from Senator Pressler; Anthony Broderick, Associate Administrator, Regulations and Certification, FAA, Department of Transportation; and Claudia Schechter, Director, Operations, Office of Aircraft Service, Department of the Interior, and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development approved for full Committee action and following bills: H.R. 2061, to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR as the "David J. Wheeler Federal Building;" H.R. 2111, amended, to designate the Social Security Administration's Western Program Service Center located at 1221 Nevin Avenue, Richmond, CA, as the "Francis J. Hagel Building;" H.R. 2305, to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, VA as the "Albert V. Bryan United States Courthouse;" H.R. 2481, to designate the Federal Triangle project under construction at 14th Street and Pennsylvania Avenue, NW, in the District of Columbia, as the "Ronald Reagan Building and International Trade Center;" H.R. 2504, to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the U.S. Courthouse located on Otis Street, in Asheville, NC, as the "Veach-Baley Federal Complex;" H.R. 2547, to designate the U.S. Courthouse located at 800 Market Street in Knoxville, TN, as the "Howard H. Baker, Jr. United States Courthouse;" H.R. 2556, to redesignate the Federal building located at 345 Middlefield Road in Menlo Park, CA, and known as the Earth Sciences and Library Building, as the "Vincent E. McKelvey Federal Building;" and S. 369, to designate the Federal Courthouse in Decatur, AL., as the "Seybourn H. Lynne Federal Courthouse."

Prior to this action, the Subcommittee held a hearing on these measures. Testimony was heard from Representatives Eshoo, Cooley, Miller of California, Moran, Seastrand, Duncan, and Cramer.

**COMMITTEE MEETINGS FOR
FRIDAY, DECEMBER 8, 1995**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations, to hold hearings on the nomination of Ralph R. Johnson, of Virginia, to be Ambassador to the Slovak Republic, 9 a.m., SD-419.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, business meeting, to consider the issuance of subpoenas of certain documents, 11 a.m., SH-216.

House

Committee on Resources, hearing on the following bills: H.R. 2706, to authorize the Secretary of the Interior to accept from a State donations of services of State employees to perform hunting management functions in a National Wildlife Refuge in a period of Government budgetary shutdown; and H.R. 2677, National Parks and National Wildlife Refuge Systems Freedom Act of 1995, 10 a.m., 1324 Longworth.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the employment-unemployment situation for November, 9:30 a.m., SD-628.

Next Meeting of the SENATE
10 a.m., Friday, December 8

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Monday, December 11

Senate Chamber

Program for Friday: Senate will begin consideration of S.J. Res. 31, Flag Desecration Constitutional Amendment.

House Chamber

Program for Monday: No legislative program is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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Congressional Record

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