

voted in the affirmative, Senate failed to agree to close further debate on the modified committee amendment. **Pages S11018–19**

Senate will continue consideration of the bill on Friday, October 24, 1997, with a cloture vote on the modified committee amendment to occur thereon.

FDA Modernization and Accountability Act—Conferees: Senate disagreed to the amendments of the House to 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, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Jeffords, Coats, Gregg, Frist, DeWine, Kennedy, Dodd, Harkin, and Mikulski. **Page S11018**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Agreement With Hong Kong for the Surrender of Fugitive Offenders, subject to two understandings, two declarations, and one proviso. (Treaty Doc. 105–3)

International Telecommunication Union Constitution and Convention, with two understandings, two declarations, and one proviso. (Treaty Doc. 104–34)

U.S.-Mexico Treaty on Maritime Boundaries, with one declaration and one proviso. (Ex.F, 96–1)

Migratory Bird Protocol with Canada, with one understanding, one declaration, and one proviso. (Treaty Doc. No. 104–28)

Migratory Bird Protocol with Mexico, with one declaration, one understanding, and one proviso. (Treaty Doc. No. 105–26) **Pages S11165–68**

Nomination—Agreement: A unanimous-consent agreement was reached providing for the consideration of Algenon L. Marbley, to be United States District Judge for the Southern District of Ohio on Monday, October 27, 1997, with a vote to occur thereon at 5 p.m. **Pages S11164–65**

Nominations Confirmed: Senate confirmed the following nominations:

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

Ellen Seidman, of the District of Columbia, to be Director of the Office of Thrift Supervision for a term of five years.

Peter L. Scher, of the District of Columbia, for the rank of Ambassador during his tenure of service as Special Trade Negotiator.

Edward E. Shumaker III, of New Hampshire, to be Ambassador to the Republic of Trinidad and Tobago. **Pages S11165, S11171**

Nominations Received: Senate received the following nominations:

Paul J. Hooper, of California, to be an Assistant Secretary of the Army.

Linda Key Breathitt, of Kentucky, to be a Member of the Federal Energy Regulatory Commission.

Curt Herbert, Jr., of Mississippi, to be a Member of the Federal Energy Regulatory Commission.

Frank D. Yturria, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation. **Page S11171**

Messages From the House: **Page S11033**

Executive Reports of Committees: **Page S11034**

Statements on Introduced Bills: **Pages S11034–42**

Additional Cosponsors: **Pages S11042–43**

Amendments Submitted: **Pages S11044–S11162**

Notices of Hearings: **Page S11162**

Authority for Committees: **Pages S11162–63**

Additional Statements: **Pages S11163–64**

Record Votes: Three record votes were taken today. (Total—277) **Pages S11014–15, S11018–19**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:43 p.m., until 9:45 a.m., on Friday, October 24, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11171.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nominations of Sally Thompson, of Kansas, to be Chief Financial Officer, Department of Agriculture, and Joseph B. Dial, of Texas, to be a Commissioner of the Commodity Futures Trading Commission.

MILITARY CONSTRUCTION APPROPRIATION VETO

Committee on Appropriations: Committee ordered favorably reported S. 1292, to disapprove the cancellations transmitted by the President on October 6, 1997 regarding the Fiscal Year 1998 Military Construction Appropriations (Public Law 105–45), with an amendment.

NATO ENLARGEMENT

Committee on Appropriations: Committee concluded hearings to examine the cost implications of enlarging NATO membership to include Poland, Hungary, and the Czech Republic and the impact of enlargement on Department of Defense readiness, after receiving testimony from Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office.

BUSINESS MEETING

Committee on Armed Services: Committee met to consider certain pending nominations, but did not take final action thereon, and recessed subject to call.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Lt. Gen. Peter J. Schoemaker, USA, to be Commander-in-Chief, United States Special Operations Command and for appointment to the grade of general, and Lt. Gen. John A. Gordon, USAF, to be Deputy Director of Central Intelligence and for appointment to the grade of general.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following bills:

S. 1228, to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, with amendments; and

S. 318, to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nominations of Kevin Emanuel Marchman, of Colorado, to be Assistant Secretary for Public and Indian Housing, Saul N. Ramirez Jr., of Texas, to be Assistant Secretary for Community Planning and Development, Richard F. Keevey, of Virginia, to be Chief Financial Officer, Eva M. Plaza, of Maryland, to be Assistant Secretary for Fair Housing and Equal Opportunity, and Gail W. Laster, of New York, to be General Counsel, all of the Department of Housing and Urban Development, Jo Ann Jay Howard, of Texas, to be Federal Insurance Administrator, Federal Emergency Management Agency, F. Amanda Debusk, of Maryland, to be an Assistant Secretary of Commerce, R. Roger Majak, of Virginia, to be Assistant Secretary of Com-

merce for Export Administration, and David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade. Mr. Ramirez was introduced by Senator Gramm, Ms. Plaza was introduced by Representative Reyes, Ms. Howard was introduced by Senator Hutchison, Ms. Debusk and Mr. Majak were introduced by Senator Robb, and Mr. Aaron was introduced by Senator Baucus.

EUROPEAN PENSION PROGRAMS

Committee on the Budget: Committee concluded hearings to examine the current and future situation of public retirement systems in Europe and their impact on the European Monetary Union, and the need for pension reform, after receiving testimony from Koen De Ryck, Pragma Consulting, Brussels, Belgium; Richard Disney, University of London/Institute for Fiscal Studies, London, England; and Richard C. Leone, Twentieth Century Fund, New York, New York.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee met and approved a proposal to improve travel safety on the nation's roads and waterways, promote the safe shipment of hazardous materials, and advance pipeline transportation safety.

U.S.-CHINA RELATIONS

Committee on Energy and Natural Resources: Committee held oversight hearings to examine certain issues associated with the potential export of United States generating technology to China, focusing on the benefits of implementing the United States-China Nuclear Cooperation Agreement, receiving testimony from William F. Martin, World Resources Institute, former Deputy Secretary of Energy and former Executive Secretary of the National Security Council, Robert L. Gallucci, Georgetown University School of Foreign Service, Robert E. Ebel, Center for Strategic and International Studies, and Joe F. Colvin, Nuclear Energy Institute, all of Washington, D.C.

Hearings were recessed subject to call.

MONUMENT BOUNDARY ADJUSTMENTS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 633, to adjust the boundary of the Petroglyph National Monument, and S. 1132, to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, and to authorize purchase or donation of those lands, after receiving testimony from Denis P. Galvin, Deputy Director, National

Park Service, Department of the Interior; Mayor Martin J. Chavez, Mayor-Elect Jim Baca, Ike Eastvold, Friends of the Albuquerque Petroglyphs, and Terri Cole, Greater Albuquerque Chamber of Commerce, and Lawrence D. Weaver, Westside Coalition of Neighborhood Associations/Paradise Hills Civic Association, Robert L. Morris, Robert L. Morris Inc., and Dennis R. Foltz, Middle Rio Grande Council of Governments, all of Albuquerque, New Mexico; and William F. Weahkee, Five Sandoval Indian Pueblos, Inc., Bernalillo, New Mexico.

NORTH DAKOTA FLOOD CONTROL PROJECT

Committee on Environment and Public Works: Committee held hearings to examine the proposed flood control project at Devils Lake, North Dakota, receiving testimony from Senators Conrad and Dorgan; Representative Pomeroy; John H. Zirschky, Acting Assistant Secretary of the Army for Civil Works; Michael J. Armstrong, Associate Director for Mitigation, Federal Emergency Management Agency; David A. Sprynczynatyk, North Dakota State Water Commission, Bismarck; Gary L. Pearson, Dakota Prairie Audubon Society, Jamestown, North Dakota; and Joe Belford, Ramsey County Lake Emergency Management Committee, Devils Lake, North Dakota.

Hearings were recessed subject to call.

NOMINATION

Committee on Finance: Committee concluded hearings on the nomination of Charles Rossotti, of the District of Columbia, to be Commissioner of Internal Revenue, Department of the Treasury, after the nominee, who was introduced by Senator Warner and Representative Thomas Davis, testified and answered questions in his own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Daniel Fried, of the District of Columbia, to be Ambassador to the Republic of Poland, Peter Francis Tufo, of New York, to be Ambassador to the Republic of Hungary, Alexander R. Vershbow, of the District of Columbia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Thomas J. Miller, of Virginia, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus, David Timothy Johnson, of Georgia, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Organization for Security and Cooperation in Europe, Kathryn Walt Hall, of Texas, to be Ambassador to the Republic of Austria, and James Carew Rosapepe, of Maryland, to be Ambassador to Romania, after the

nominees testified and answered questions in their own behalf. Ms. Hall was introduced by Senator Hutchison, and Mr. Rosapepe was introduced by Representative Hoyer.

U.S. INTERESTS IN CASPIAN BASIN

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings to examine United States economic and strategic interests in the Caspian Sea region, after receiving testimony from Senator Brownback; Stuart E. Eizenstat, Under Secretary of State for Economic, Business and Agricultural Affairs; Lawrence S. Eagleburger, Baker, Donelson, Bearman and Caldwell, Washington, D.C., former Deputy Secretary of State; and Charles J. Pitman, Amoco Eurasia Petroleum Company, Houston, Texas.

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 Stephen Smith, Chief Petty Officer Charles McGrath, and Col. Charles Campbell, all of the White House Communications Agency.

Hearings continue on Tuesday, October 28.

BUSINESS MEETING

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

The nominations of Kenneth Ray McFerran, to be United States Marshal for the Western District of Arkansas, Joaquin L.G. Salas, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands, Charles Vincent Serio, to be United States Marshal for the Eastern District of Louisiana, and Jose Gerado Troncoso, to be United States Marshal for the District of Nevada;

S. 474, to provide penalties against any person who, while engaged in the business of betting or wagering, knowingly uses a communication facility for the transmission or receipt in interstate or foreign commerce of bets or wagers, information assisting in the placing of bets or wagers, or a communication that entitles the transmitter or receiver to receive money or credit as a result of bets or wagers, with an amendment in the nature of a substitute;

S. 813, to provide criminal penalties for theft and willful vandalism at national cemeteries, with an amendment in the nature of a substitute; and

S. Res. 96, proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week".

EMPLOYMENT NON-DISCRIMINATION ACT

Committee on Labor and Human Resources: Committee held hearings on S. 869, to prohibit employment discrimination on the basis of sexual orientation, receiving testimony from Raymond W. Smith, Bell Atlantic Corporation, Arlington, Virginia; Thomas J. Grote, Donatos Pizza, Columbus, Ohio; Kendall Hamilton, Oklahoma City, Oklahoma; and David N. Horowitz, Phoenix, Arizona.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 109, authorizing funds to make block grants on behalf of Native Hawaiians to carry out affordable housing activities in Hawaii and provide the grant

amounts directly to the Department of Hawaiian Home Lands, with an amendment in the nature of a substitute;

S. 1079, to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment, with an amendment in the nature of a substitute;

S. 156, to provide certain benefits of the Pick-Sloan Missouri River Basin program to the Lower Brule Sioux Tribe, with an amendment; and

H.R. 79, to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 2707–2728; 2 private bills, H.R. 2706, 2729; and 2 resolutions, H. Res. 276, 279, were introduced. **Pages H9501–02**

Reports Filed: Reports were filed as follows:

H.R. 1493, to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, amended (H. Rept. 105–338);

H.R. 2265, to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, amended (H. Rept. 105–339);

Conference report on H.R. 1119, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999 (H. Rept. 105–340);

H.R. 2621, to extend trade authorities procedures with respect to reciprocal trade agreements, amended (H. Rept. 105–341 Part 1);

H. Res. 277, waiving points of order against the conference report to accompany H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 (H. Rept. 105–342); and

H. Res. 278, to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military person-

nel strengths for fiscal years 1998 and 1999 (H. Rept. 105–343). **Pages H9076–H9464, H9500–01**

Journal: By a ye and nay vote of 364 yeas to 52 nays, Roll No. 321, agreed to the Speaker's approval of the Journal of Wednesday, October 22.

Pages H9041, H9047

Ceremony Honoring Leslie Townes (Bob) Hope: The House agreed to S. Con. Res. 56, authorizing the use of the rotunda of the Capitol for the ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States.

Pages H9046–47

Sponsor of Molinari Measure: Agreed by unanimous consent that Representative Kelly be considered as the first sponsor of H.R. 616, to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations, a bill originally introduced by Representative Molinari, for the purposes of adding cosponsors and requesting reprints.

Page H9056

Education Savings Act for Public and Private Schools: By a ye and nay vote of 230 yeas to 198 nays, Roll No. 524, the House passed H.R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary