

all other entries, such as acquittal or dismissal notations or arrest notations with no accompanying disposition notation, must be deleted.

#### ARTICLE V—RECORD REQUEST PROCEDURES

This article provides that direct access to the National Identification Index and the National Fingerprint File for purposes of conducting criminal history record searches for noncriminal justice purposes shall be limited to the FBI and the state criminal history record repositories. A noncriminal justice agency authorized to obtain national searches pursuant to an approved state statute must submit the search application through the state repository in the state in which the agency is located. A state repository receiving a search application directly from a noncriminal justice agency in another state may process the application through its own criminal history record system, if it has legal authority to do so, but it may not conduct a search of the national indices on behalf of such an out-of-state agency nor may it obtain out-of-state or federal records for such an agency through the III System.

Noncriminal justice agencies authorized to obtain national record checks under federal law or federal executive order, including federal agencies, federally chartered or insured financial institutions and certain securities and commodities establishments, must submit search applications through the FBI or, if the repository consents to process the application, through the state repository in the state in which the agency is located.

All noncriminal justice search applications submitted to the FBI or to the state repositories must be accompanied by fingerprints or some other approved form of positive identification. If, a state repository positively identifies the subject of such a search application as having a III System-indexed record maintained by another state repository or the FBI, the state repository shall be entitled to obtain such records from such other state repositories or the FBI. If a state repository cannot positively identify the subject of a noncriminal justice search application, the repository shall forward the application, together with fingerprints or other approved identifying information, to the FBI. If the FBI positively identifies the search application subject as having a III System-indexed record or records, it shall notify the state repository which submitted the application and that repository shall be entitled to obtain any III System-indexed record or records relating to the search subject maintained by any other state repository on the FBI.

The FBI and state repositories may charge fees for processing noncriminal justice search applications, but may not charge fees for providing criminal history records by electronic means in response to authorized III System record requests.

#### ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL

This article establishes a Compact Council to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Such rules cannot conflict with the FBI's administration of the III System for criminal justice purposes. Issues concerning whether particular rules or procedures promulgated by the Council conflict with FBI authority under this article shall be adjudicated pursuant to Article XI.

The Council shall consist of 15 members from compact states and federal and local criminal justice and noncriminal justice agencies. All members shall be appointed by the U.S. Attorney General. Council members shall elect a Council Chairman and Vice Chairman, both of whom shall be compact of-

ficers unless there are no compact officers on the Council who are willing to serve, in which case at-large members may be elected to these offices.

The 15 Council members include nine members who must be state compact officers or state repository administrators, four at-large members representing federal, state and local criminal justice and noncriminal justice interests, one member from the FBI's advisory policy board on criminal justice information services and one member who is an FBI employee. Although, as noted, all members will be appointed by the U.S. Attorney General, they will be nominated by other persons, as specified in the Compact. If the Attorney General declines to appoint any person so nominated, the Attorney General shall request another nomination from the person or persons who nominated the rejected person. Similarly, if a Council membership vacancy occurs, for any reason, the Attorney General shall request a replacement nomination from the person or persons who made the original nomination.

Persons who are appointed to the Council who are not already federal officials or employees shall, by virtue of their appointment by the Attorney General, become federal officials to the extent of their duties and responsibilities as Council members. They shall, therefore, have authority to participate in the development and issuance of rules and procedures, and to participate in other actions within the scope of their duties as Council members, which may be binding upon federal officers and employees or otherwise affect federal interests.

The Council shall be located for administrative purposes within the FBI and shall have authority to request relevant assistance and information from the FBI. Although the Council will not be considered a Federal Advisory Committee (see Section 215(d)), it will hold public meetings and will publish its rules and procedures in the Federal Register and make them available for public inspection and copying at a Council office within the FBI.

#### ARTICLE VII—RATIFICATION OF COMPACT

This article states that the Compact will become effective immediately upon its execution by two or more states and the United States Government and will have the full force and effect of law within the ratifying jurisdictions. Each state will follow its own laws in effecting ratification.

#### ARTICLE VIII—MISCELLANEOUS PROVISIONS

This article makes clear that administration of the Compact shall not interfere with the authority of the FBI Director over the management and control of the FBI's collection and dissemination of criminal history records for any purpose other than noncriminal justice. Similarly, nothing in the Compact diminishes a state's obligations and authority under Public Law 92-544 regarding the dissemination or use of criminal history record information (see analysis of Section 214, above). The Compact does not require the FBI to obligate or expend funds beyond its appropriations.

#### ARTICLE IX—RENUNCIATION

This article provides that a state wishing to end its obligations by renouncing the Compact shall do so in the same manner by which it ratified the Compact and shall provide six months' advance notice to other compact parties.

#### ARTICLE X—SEVERABILITY

This article provides that the remaining provisions of the Compact shall not be affected if a particular provision is found to be in violation of the Federal Constitution or the constitution of a party state. Similarly, a finding in one state that a portion of the

Compact is legally objectionable will have no effect on the viability of the Compact in other Party States.

#### ARTICLE XI—ADJUDICATION OF DISPUTES

This article vests initial authority in the Compact Council to interpret its own rules and standards and to resolve disputes among parties to the Compact. Decisions are to be rendered upon a majority vote of Council members after a hearing on the issue. Any Compact party may appeal any such Council decision to the U.S. Attorney General and thereafter may file suit in the appropriate United States district court. Any suit concerning the compact filed in any state court shall be removed to the appropriate federal district court.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. 2288. A bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes (Rept. No. 105-413).

#### 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. D'AMATO:

S. 2640. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself and Mr. BIDEN):

S. Res. 310. A resolution authorizing the printing of background information on the Committee on Foreign Relations as a Senate document; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2283

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2566

At the request of Ms. LANDRIEU, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 2566, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

## SENATE RESOLUTION 285

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon in December of 1998 are free and fair.

## SENATE RESOLUTION 310—AUTHORIZING PRINTING OF BACKGROUND INFORMATION ON THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS (for himself and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 310

*Resolved,*

## SECTION 1. PRINTING OF BACKGROUND INFORMATION RELATING TO THE HISTORY OF THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "Background Information on the Committee on Foreign Relations, United States Senate (7th Revised Edition),

(2) in addition to the usual number, there shall be printed 500 copies of the document for the use of the committee, and

(3) the cost for printing this document shall not exceed \$5,825.00.

## ADDITIONAL STATEMENTS

## RESIDENCY FOR VOVA MALOFIENKO

• Mr. LAUTENBERG. Mr. President, I rise today to express my pleasure that legislation providing permanent residency in the United States for 13-year-old Vova Malofienko and his family, residents of Short Hills, NJ, passed the Senate. Vova Malofienko has leukemia from his having lived 30 miles from the Chernobyl nuclear reactor in Ukraine during and after the infamous disaster. His leukemia is in remission only because of the emergency medical treatment he's received in the United States.

Were Vova forced to return to Ukraine, the United States would be placing an innocent child near the front of the line on death row. Vova was one of eight children of Chernobyl

who came to the United States in 1990—and when the seven others later returned to Ukraine, they died one by one because of inadequate cancer treatment. Not a child survived.

On behalf of the Malofienkos, I thank my colleagues for their invaluable support of this legislation. We are a compassionate nation that has opened its heart to Vova and his family, who came in dire medical need.

Mr. President, I would like to take this opportunity to tell my colleagues a bit more about Vova and his family. Vladimir "Vova" Malofienko was born on June 29, 1984 in Chernigov, Ukraine. His mother, Olga Matsko, was born on September 29, 1959 in Piratin, Ukraine, and his father, Alexander Malofienko, was born on December 25, 1957 in Chernigov, Ukraine.

Vova was only 2 when the Chernobyl reactor exploded in 1986 and exposed him to radiation. He was diagnosed with leukemia in June 1990 at age 6. Vova and his mother came to the United States later in 1990 on a B-1 visitor's visa so that Vova could attend a cancer treatment camp for children, sponsored by the Children of Chernobyl Relief Fund. Vova was invited to stay in the United States to receive more extensive treatment and chemotherapy. In November of 1992, Vova's cancer went into remission. Vova's father, Alexander Malofienko joined the family in 1992, also on a B-1 visa.

Vova and his family have wanted to remain in the United States because of the extraordinary health concerns facing Vova. Regrettably, as I mentioned earlier, Vova is the only survivor from a group of eight children of Chernobyl who came to the United States together in 1990. The seven other children returned to Ukraine and have since died. Now that Vova is in remission, it would indeed be tragic to return him to an environment which would once again endanger his life. The air, food, and water in Ukraine are contaminated with radiation that people residing there for several years have grown accustomed to, but which could be perilous to Vova's weakened immune system.

Furthermore, treatment available in Ukraine is not as sophisticated and up to date as treatment available in the United States. Before Vova came to the United States, no aggressive treatment for his leukemia had been provided. Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

According to Dr. Peri Kamalakar, Director of the Valerie Fund Children's Center at Newark Beth Israel hospital, where Vova has received care, Vova's cancer is considered high risk with a threat of relapse. He is also at risk to develop significant later complications secondary to the intensive chemo-

therapy he received, including heart problems and secondary cancers. Another significant risk is relapse in the bone marrow, testis, or central nervous system. Dr. Kamalakar has concluded that Vova's chance for a permanent cure is considerably better if he stays in the United States.

I am pleased that this bill has passed today. It is now up to the House of Representatives to send this bill to the President and allow Vova and his family to remain in the United States. Finally, I would like to thank all of the Senators, from both sides of the aisle, who were involved in negotiations on these private relief bills.●

## LIEUTENANT GENERAL CAROL MUTTER

• Mr. KEMPTHORNE. Mr. President, I rise today to honor a fine Marine Corps Officer, Lieutenant General Carol Mutter, the Deputy Chief of Staff for Manpower and Reserve Affairs, Headquarters Marine Corps, Washington, D.C.

General Mutter, a native daughter of Colorado, will soon retire from active duty following a long and distinguished career as an officer of Marines. A graduate of the University of Northern Colorado, in Greeley, CO she joined the Marine Corps in 1966 and completed the Woman Officer Basic Course in 1967. She was then trained as a data processing officer and assigned to data processing installations in Quantico, VA and Camp Pendleton, CA. In 1971, she returned to Quantico as a platoon commander and instructor for women officer candidates and basic course lieutenants.

Over the years, Carol has made significant accomplishments both as a Marine officer and as a woman. As a Colonel, in July 1988 she joined the U.S. Space Command, J-3 (Operations) Directorate in Colorado Springs where she became the first woman to gain qualification as a Space Director. After initially serving as a Command Center Crew Commander/Space Director she became the Division Chief responsible for the operation of the Commander in Chief's Command Center. In June 1992, she transferred to Okinawa for a second tour, this time as the first woman of general/flag officer rank to command a major deployable tactical command, the 3d Force Service Support Group, Third Marine Expeditionary Force, U.S. Marine Forces Pacific. Finally, upon advancement to Lieutenant General (the first woman in the Marine Corps to attain this rank) on September 1, 1996, she assumed her current duties.

Throughout her services as a Marine, she worked continually to improve herself through furthering her professional military education and earning a M.A. degree in National Security and Strategic Studies from the Naval War College at Newport, RI and honorary doctorate degrees from Salve Regina College, also in Newport, RI and another