Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jane E. Henney, of New Mexico, to be Commissioner of Food and Drugs, Department of Health and Human Services?

The nomination was confirmed.

Mr. LOTT. I ask unanimous consent that the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Senators for allowing me to get these nominations moved. They have a way of becoming unapproved if you wait very long once they are approved. And so I thank you for your cooperation on that.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

I appreciate the majority leader's concern, and I thank my colleague from Ohio.

THE OMNIBUS APPROPRIATIONS BILL

Mr. ROBB. Mr. President, I would like to speak briefly on the omnibus appropriations bill that we approved this morning. It was roughly a $500 billion omnibus appropriations bill. And I would like to begin by saying that I am thankful that we did not shut down the Federal Government to resolve our spending differences this year. That was clearly a failed approach that disillusioned our Nation and unjustly punished the dedicated Federal employees who serve the American people. But I also have to say I have enormous concern with how we got here, and with some of the consequences of the road we traveled.

Like every one of our colleagues, I am pleased with many aspects of this bill, but disappointed with other aspects. I am pleased that we finally achieved justice for farmers who face racial discrimination at the USDA, that we have acted decisively to strengthen our Nation's defenses, that we have invested substantially in improving the education of our children, that we have refrained—for now at least—from interfering in the local operation of our region's airports, and that we were able to eliminate some of the most egregious anti-environmental riders.

I'm disappointed that we abandoned fiscal discipline and avoided, once again, making the tough choices to pay for our priorities. Instead, we spent $21 plus billion of the so-called ''surplus,'' which we should be saving to protect Social Security, and we failed to enact another round of base closures to help fund needed military readiness improvements. I'm also disappointed that we couldn't make the cuts necessary to find the funds needed to help localities that are struggling to modernize their schools.

Mostly I'm disappointed by the process that led us to an up or down vote, with virtually no debate, on eight separate annual spending bills consolidated into a giant roughly $500 billion package that funds nearly one third of our government. Mr. President, we have a obligation to debate our priorities in the open and make the tough decisions, just like American families are required to do every day.

I believe this process amounts to a dereliction of our duty as representatives of the people. While I appreciate the hard work of the appropriations committees, this all-encompassing appropriations bill has ultimately been the work product of too few people with no realistic opportunity for amendment. Members were left to hope that their interests, and the interests of those they represent, were being advanced. This is heavy burden to ask the appropriations committee and the leadership to bear, and we shouldn't be placing them in that position.

We should be able to debate, and vote, about whether funds should be spent on improving our system of education, and about how they should be spent. We should be able to debate, and vote, about how to remedy racial discrimination in the federal government. And we should able to debate, and vote, about the best way to protect the environment.

But instead of the open debate we need, instead of the careful consideration by each and every member of the public policy consequences that affect our states and nation, we have what amounts to a take-it-or-leave-it appropriations bill that will, again, fund nearly one-third of the federal government.

There's no question, Mr. President, that there are times when a take-it-or-leave it approach is necessary. I support, for example, the base closure process because it is the only mechanism we have devised which forces members of Congress to vote for the politically unpopular closure of unnecessary military facilities. And in order to maintain our role as the world's sole remaining superpower, the need to undertake another round of base closures to increase funding in critical areas will become an imperative. I also support take-it-or-leave-it fast track trade authority to promote free trade because it's the only way other governments will negotiate with us that can achieve meaningful results.

But when it comes to deciding our priorities in federal spending, we need a more open and rational process. Each year that we proceed in this fashion, I become more convinced that we should follow the lead of many states, like my own, Virginia, and undertake biennial budgeting. We should alternate a year of appropriations with a year of oversight. Just today, I signed onto an effort by Senator DOMENICI to institute biennial budgeting.

Due to our failure to pass a budget resolution this year, we have been guided in large part by the balanced budget agreement we reached two years ago. I supported that agreement, because when I came to the Senate in 1988, one of my highest priorities was fighting for fiscal responsibility.

But the problems we've encountered this year in passing our appropriations bills stem directly from the unrealistic goals we established in the balanced budget agreement. We all but ignored the 800 pound gorilla sitting in the room—entitlement spending—and instead focused on reducing our investments through future cuts in discretionary spending. I certainly support weeding out unnecessary discretionary spending, which is why I support the line-item veto, but effectively lowering discretionary caps in real terms, without regard to where those cuts might fall, is not the wisest approach.

The discretionary caps we established in 1997 did not require that tough decisions be made. It merely left to a future Congress the difficult choices in dividing a shrinking pie. We are now that ''future Congress'' and we're having a difficult time reaping what we have sewn. So we cut ''phantom'' future investments to preserve current consumption spending. But to reduce federal spending, and to someday reduce the national debt, we really need to reform entitlement programs. And the longer we wait, the more difficult the task will become.

So while I'm pleased that we reached our destination, I'm extremely disappointed with the road we took to get here. And I hope that during the next Congress, we will work to improve the appropriations process, to get our fiscal work done on time and in the open, and to begin the enormous task of reforming entitlement programs and saving Social Security by making the tough choices.

Mr. President, I reluctantly supported the appropriations bill today because, while the process that produced the bill is a terrible one, the failure to enact the bill would have been far worse. Without this bill there would have been another government shutdown, and the funds wouldn't be there to bolster our military, improve the education of our children, and render long-denied justice for those who've suffered discrimination. Despite all the benefits this bill will provide, however, I strongly object to violating our fiscal discipline and spending $21 billion of the surplus, which will ultimately make the job of saving Social Security more difficult.

Next year, we've got to do better.