agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 62c) except that the Department of Agriculture, in the interest of the public health, may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program be wholesome. The Act of August 24, 1935, (7 U.S.C. 62c) meet Federal product specifications.

SINGING SENATORS TRIBUTE TO SENATOR MARK HATFIELD

Mr. KEMP THORNE. Mr. President, last Thursday night was a special night in the life of the U.S. Senate. That night the Senate paid tribute to Senator Mark Hatfield in anticipation of his retirement from the Senate at the end of this Congress, and in recognition of his outstanding service to Oregon, the Senate, and to the Nation. Thursday night was one of those evenings that makes service in the U.S. Senate a privilege. As the accompanying article from the Washington Post reports, politicians could not get both Bill Clinton and Trent Lott to sing their praises. Senator Mark Hatfield, for one. The entertainment was also a highlight. The Singing Senators—Trent Lott, Larry Craig, John Ashcroft, and Jim Jeffords—brought the house down as they sang in near perfect harmony such tunes as “Dig a Little Deeper” and “Elvira.”

The evening of course belonged to Senator Hatfield. The evening’s quiet humor, graciousness, thoughtful remarks, and kind words were perfect for the witty, gracious, thoughtful, and kind Mark Hatfield. I ask that the article from the Washington Post be printed in the RECORD.

From the Washington Post, July 19, 1996

HATS OFF TO MARK HATFIELD

SENATORS GATHER TO SING PRAISES OF RETIRING GENTLEMAN FROM OREGON

(By Roxanne Roberts)

Short of giving away millions of dollars, the best way to end lavish tributes this year is to resign from the United States Senate.

But how many politicians could get both Bill Clinton and Trent Lott to sing their praises? Sen. Mark Hatfield, for one.

"Because he has tried to love his enemies, he has the right to express himself," said Sen. Jay Rockefeller (D-W.Va.). "And yet, when you're alone with him, he's a gentle, kind, full of humor. He has a great heart and the richer for his legacy."

One could also detect a serious undertone in the Sheraton Washington ballroom that went beyond the loss of this one "remarkable man," as Clinton called him. Hatfield is one of 14 senators who have decided not to return, the largest exodus from the august institution in 20 years.

"I approach this evening with an inscrutable nostalgia," said a subdued Howard Baker. Hatfield is the last of the class who, with Baker, came to the Senate in January 1967. "With his retirement, not only a distinguished career, but a political era, is ending," Majority Leader Robert Byrd said.

Reads in the audience of more than 700 nodded in agreement. The dinner for Hatfield was the second in what promises to be a continuing lovefest for moderate politicians on both sides of the aisle: A black-tie dinner in May for Sen. Alan Simpson (R-Wyo.) kicked off the celebration in which most of the Senate and former president George Bush in attendance. "It was very, very touching," said Simpson last night. "I loved it." Sen. Orrin Hatch (R-Utah), who is also leaving, noted that a retiring senator can do almost no wrong. "Most people wish you well," he said.

"They're not as demanding. Maybe they figure you now can tell them to. "—he paused and smiled broadly—"... whatever."

Hatfield's dinner and the entertainment were delayed by "the Senate vote. So the honoree and the president opened the program with a little mutual admiration. Hatfield, characteristically, talked about what he had in common with Clinton: both small-town boys, both governors and "both of us, in our time in Washington, have managed to irritate both the Republicans and Democrats," said the only GOP senator to vote against the balanced-budget amendment last year on principle.

"If all of us could be more like you, America would be an even greater nation," Clinton returned.

Once the "entertainment" had cast its votes, they arrived to take the stage. The song "Dig a Little Deeper" (a nod to Hatfield's chairmanship of the Appropriations Committee), and capped the performance with Lott soloing on "Elvira."

"It sort of epitomizes the Senate," said Lott. "We don't always make great music, but we keep working on it."

There were high fives after the first medley. "(Anytime we start together and end together, we celebrate," Lott explained. Then they belted out three spirited but dreadful selections including "Dig a Little Deeper"."

"If all of us could be more like you, America would be an even greater nation," Clinton returned.

The cause, the Mark O. Hatfield Library at Willamette University in Hatfield's home state, received the proceeds of the $500-per-seat event. Even lobbyists contributed solely out of admiration for Hatfield.

"Hatfield's the kind of guy who doesn't do for us," said one who declined to identify himself. "He's been a straight-shooter in public service, he's gentle, kind, full of humor. He has a great heart and the richer for his legacy."

Today, Congressman Gibbons sits as the Dean of the Florida congressional delegation. At the end of the 104th Congress, Gibbons will complete his 17th term representing the Tampa Bay area. The Gibbons family has lived in Tampa for more than a century. Congressman and Mrs. Gibbons, who will celebrate their 50th wedding anniversary this year, have also served together tirelessly to improve the lives all Tampa residents.

A graduate of the University of Florida College of Law and a member of Florida Blue Key, Gibbons has served the State of Florida and the United States of America with distinction. This courthouse should be named as a tribute to the lifetime works of Congressman Sam M. Gibbons.

HONORING THOMAS ROMANO

Mr. LIEBERMAN. Mr. President, I rise today to honor Thomas Russell...
Ducking on Affirmative Action

In a hurtful blow to affirmative action in higher education, the Supreme Court said on Monday that it would not hear an appeal by the state of Texas from a lower court ruling that banned admissions policies from using race as a factor in selecting students. With this sidestep, the left officials in Texas who are working to curtail educational opportunities for minorities in an untenable state of uncertainty. It also sowed confusion nationwide—hardly an uplifting way for the Court to finish its term and head into recess. The Court should have seized the opportunity to reject the lower court’s flawed pronouncement and reaffirmed its historic commitment to carefully designed affirmative action.

The high court seemed insensitive to the long history of racism at the University of Texas Law School, whose affirmative action program was challenged by rejected black applicants, giving rise to the case. As late as 1971, the law school admitted no black students. The Court also ignored the Clinton Justice Department, which filed a brief warning that the “practical effect” of the lower court’s holding “will be to return the most prestigious within state university systems to their former ‘white’ status.”

The refusal to hear the case left standing a ruling by the United States Court of Appeals for the Fifth Circuit that caused justifiable consternation in the academic world three months ago. An appellate panel invalidated a special admissions program at the Texas law school aimed at increasing the number of black and Mexican-American students. In doing so, the panel took the gratuitous, additional step of declaring the Supreme Court’s landmark 1978 affirmative action decision in the so-called Bakke case no longer good law. That case involved a white applicant who sought entry to a California state medical school, resulted in a ruling that barred the use of quotas in affirmative action plans but permitted universities to use race as a factor in choosing among applicants to serve the “compelling interest” of creating a diverse student body.

If Bakke is no longer good law, it is for the Supreme Court to declare. But instead of grabbing the case to reassert Bakke’s sound principle, the justices found a way out in the odd procedure of an one-paragraph opinion that was also signed by Justice David Souter, Justice Ruth Blader Ginsburg said that the Court was denying review because the case did not actually present a live controversy. The kind of two-track admissions system that inspired the so-called Bakke case no longer good law. That case, involving a white applicant who sought entry to a California state medical school, resulted in a ruling that barred the use of quotas in affirmative action plans but permitted universities to use race as a factor in choosing among applicants to serve the “compelling interest” of creating a diverse student body.

Justice Ginsburg’s message, a welcome one, was that the Court’s refusal to hear the case should not be read as a disendorsement of the Fifth Circuit’s analysis. But, in fact, there was a remaining live controversy before the Court in the Fifth Circuit’s decision. A state’s leading law school to completely exclude race as a factor in future admissions. The shame is the Court declined to act.

Instead, the Court left behind a mess. Its refusal to hear the case has put educational institutions in the three states that make up the Fifth Circuit—Texas, Louisiana and Mississippi—in a terrible spot. They could face punitive damages if they fail to change their practices to conform to an ill-considered ruling that may ultimately be judged an incorrect statement of the law.

Nervous educators elsewhere in the nation can find some comfort at least in Justice Ginsburg’s benign explanation. Eventually, this equal rights battle will find its way back to the Supreme Court. Meanwhile, it is promised, benignly, that gerrymandered programs still need to blunt out historic racial bias and promote educational diversity.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on today’s Executive Calendar: Calendar No. 988, Edmund Sargus. I further ask unanimous consent that the nomination be confirmed, the motion to reconside be laid upon the table, any statements relating to the nomination appear at the appropriate place in the RECORD, 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.

The nomination considered and confirmed is as follows.

Edmund A. Sargus, J. r., of Ohio, to be United States District Judge for the Southern District of Ohio.

LEGISLATIVE SESSION

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

ORDERS FOR TUESDAY, JULY 23, 1996

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its work today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, July 23; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume the reconciliation bill as under the previous order.

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

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin its lengthy series of rollcall votes on, or in relation to, amendments to the reconciliation bill. Members should be alerted that there may be as many as 24 consecutive rollcall votes.

Mr. President, I now unanimously consent that beginning after the first vote, all remaining votes in the voting sequence be limited to 10 minutes in length.