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## Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be led by Father Paul Lavin of St. Joseph's on Capitol Hill. We are pleased to have you with us.

### PRAYER

The guest Chaplain, Father Paul E. Lavin, pastor, St. Joseph's on Capitol Hill, Washington, DC, offered the following prayer:

In Psalm 86, David sings:

*Teach me, Lord, your way that I may walk in your truth, single hearted and revering your name.*

*I will praise you with all my heart, glorify your name forever, Lord, my God.*

*Your love for me is great; you have rescued me from the depths of Sheol.—Psalm 86: 11-13.*

Let us pray:

We stand before you, O Lord, conscious of our sinfulness but aware of Your love for us.

Come to us, remain with us, and enlighten our hearts.

Give us light and strength to know Your will, to make it our own, and to live it in our lives.

Guide us by Your wisdom, support us by Your power, keep us faithful to all that is true.

You desire justice for all: Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor.

Glory and praise to You for ever and ever. Amen

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

### SCHEDULE

Mr. LOTT. Mr. President, before I talk about today's schedule, I do want to commend a number of Senators who have been doing yeomen's work over the past 2 days. Even though we haven't had a lot of recorded votes, we have been making good progress. I remind the Senate that we did come to an agreement after actually at least 3 years of going back and forth on a bipartisan Amtrak bill, which passed on Friday on a voice vote. That now will be in conference, and I think there is even a chance that we could get an agreement on that conference report before we go out. If we don't, it will be something we should reach early agreement on in conference when we come back after the first of the year.

Also, the Senate did agree to pass a fix with regard to ISTEPA, or the highway infrastructure bill, which is now before the House for their consideration.

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JOHN WARNER, *Chairman.*

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The Senate yesterday passed by an overwhelming vote of 91 to 4 the very large and important Labor, Health and Human Services, and Education appropriations bill conference report, and just last night we reached an agreement after a lot of good work by a lot of Senators, including Senator CHAFEE, Senator ROCKEFELLER, Senator ROTH, Senator GRASSLEY, Senator CRAIG, who really did the great work in bringing the divergent parties together, Senator DEWINE and others, on the foster care-adoption issue. I think this will be, frankly, one of the things that we will be most proud of when this year is concluded. We did that last night. Once, again, after a lot of hard work and good cooperation, that passed last night on a voice vote.

Today, continued effort will be made to get an agreement in conference for the Food and Drug Administration reform bill. Probably 12 or 14 times we reached agreement and closed the conference, all to find that something was misplaced along the way or the agreement was not what others had thought it would be, and so it is still alive. I talked again to interested Senators this morning, and they will be working on it today. This, again, is something we need to do before we leave. So there is a lot happening in terms of Senators meeting; in the case of FDA reform, the House and Senate Members meeting on the conference report. I am looking forward to that agreement being reached.

Later on today, there is a good possibility that we will consider an omnibus appropriations bill to be offered by the chairman and the ranking member of the Appropriations Committee. We do not now have a fixed time agreement, and there is no certainty whether or not there will be a rollcall vote or when that would be. There is still some discussion going on with regard to that bill. But in any event, once a decision is made on that legislation, if a rollcall vote is required, Senators will be notified 1 hour prior to that first vote.

We are also continuing to work to see if we can get an agreement to move the District of Columbia appropriations bill through the Senate on a voice vote and through the House, so it can go down separately for the President's consideration to sign or veto it or to line-item veto the scholarship portion of it, which I think would be a big mistake. That still could come up either on a voice vote or perhaps a recorded vote would be required on that, as well as the omnibus appropriations bill.

In addition, the Senate could expect to consider other Legislative or Executive Calendar items. The Executive Calendar now is down to just a very few nominations. Several of them are being held at this time because of holds on other nominations. Today is the day when Senators need to consider if, in fact, they want to hold these nominations up for the remainder of the year and over into next year. We have worked very assiduously with inter-

ested Senators on both sides of the aisle. The administration tried to clear as many of these as possible, and we will do so again today.

The House of Representatives is, at this point, scheduled to consider the fast-track legislation late this afternoon or early evening. I have spoken to House leaders. There is no certainty at this time as to when that vote will occur. It looks to me like it will certainly be late afternoon or into the night. Therefore, the Senate can do nothing more really on fast track other than await the action in the House. If they should not pass the bill, then it would be my intent, and I believe it would be agreed to by leaders on both sides of the aisle, not to go further in the Senate with fast track. If it passes, then we have to make an assessment as to how we can bring it to a conclusion in the Senate. That could be tonight, it could be Monday, or it could be something else, which I don't even want to mention at this point.

We also have the three remaining appropriations bills—Commerce, State, Justice; District of Columbia; and foreign operations. All of those still have an item or two that are in contention. We don't know whether we will move on the omnibus appropriations bill or whether the House will decide to go ahead and act on the bills separately and send them to us. But we will be working throughout the day to try to ascertain when we will get those appropriations bills and in what form.

I think then the bottom line is, we do not expect a recorded vote any time soon. Senators will be notified 1 hour in advance should a recorded vote be required this afternoon. All Senators should be aware, and they need to keep their schedules clear, so that we can perhaps still have an opportunity to conclude this year's session today or tonight.

I now ask that there be a period for the transaction of morning business—

Mr. LEAHY. Mr. President, before he does that, will the majority leader yield?

Mr. LOTT. I withhold, and I will be glad to yield, Mr. President, to the Senator from Vermont.

Mr. LEAHY. Mr. President, my friend from Mississippi has raised the issue of the appropriations bills. Senators, as he knows, have been working very, very hard on that—the distinguished chairman of the committee, Mr. STEVENS, the distinguished ranking member, Mr. BYRD, and those of us who are either ranking or chairmen of the appropriate subcommittees that are involved, in this case three key ones.

Mr. President, I note, as we have discussed privately, that there will not be a perfect piece of appropriations legislation, I say to my friend from Mississippi, from anyone's point of view. It is not precisely what he would write if he were to write it solely by himself; it is not precisely what I would write if I wrote it solely by myself, and we could

say that with the other 98 men and women in this body.

At some point, when you are down to the last few hours of the session, we have to allow the committee system and the leadership system to work, where senior Members, especially of appropriations, where senior Members in both parties, in both bodies have to come together and reach an agreement, realizing that not every single Member on the left or on the right is going to like it. But you have to trust at some point some question of seniority in putting this together.

I didn't care much for the seniority system when I came here 23 years ago, but having studied it for 23 years, I understand it so much better now. I say to my friend, the majority leader, and I think he would agree with me, that in the last few days of the session, especially with appropriations, you are not going to get a bill that is going to please every single Member 100 percent, but we have to get something done because at some point you have to fish or cut bait.

I just mention that because I know the distinguished majority leader has been working as hard on this as anybody else to get us to this point.

Mr. LOTT. I have used those exact words, I might say, "fish or cut bait."

I will note again, we made tremendous progress in the past week on appropriations bills and other issues. I mentioned Amtrak, the highway bill, FDA, adoption and foster care, and I believe even on appropriations bills basically everything has been worked out but one issue. Obviously, we concluded an acceptable compromise on the Labor-HHS appropriations conference report involving the testing language.

I believe we have an agreement worked out with regard to the census language that would be incorporated in the Commerce, State, Justice appropriations bill.

I believe the two remaining issues for the year boil down to this: Can the House get the votes for fast track, since the Senate has already spoken overwhelmingly with votes of 68 and 67 for cloture motions to limit the debate so we can get to final passage, and the other one is the foreign operations bill, which includes a number of very important issues. Obviously, it involves the funds for our foreign operations; it involves the agreement with regard to how much would be paid for the U.N. arrearages; it involves the State Department authorization and reform and reorganization bill; it involves funds for the International Monetary Fund. But the one issue that is holding it all up, basically, boils down to whether or not the taxpayers' dollars will be used to promote and encourage foreign governments to encourage abortions. The bill that I thought we had agreed to provided a waiver where the President could waive that, but it would affect the funds.

It has gotten down to a very narrow issue. You are right, we are not going

to come to an agreement that every Senator will agree to, but I think we are close enough on that issue that we ought to be able to reach agreement and bring the foreign operations appropriations conference report to a conclusion. And if we can get that agreement and fast track, we will have completed the year on a very high note and one that the American people, I think, will be proud of and of which we could be proud.

The taxpayers of the United States have had a pretty good year. We would like to end up with agreements on these important issues. Certainly, it won't be perfect, as the Senator has said, but we have tried compromise after compromise after compromise. So far, none of them have taken hold. But I have faith that on Sunday, we will find a way to do that. Certainly, I do think that senior Members and leaders have to step up to these challenges and get the job done.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until the hour of 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

#### THANKING THE SENATE STAFF

Mr. LEAHY. Mr. President, I will be very brief because I see other Senators waiting to take the floor. I will note a couple of things. The distinguished majority leader has mentioned that it is Sunday. The guest Chaplain today, Father Paul Lavin of St. Joseph's Church, is my pastor when I am away from my home in Vermont, which is not often on a Sunday.

But this Sunday is extraordinary, that is, being in Washington and not in Vermont.

Father Lavin also prayed for, in the mass this morning which my wife and I attended, the Congress and the Government, and so forth, as we all do.

Sometimes we have to be careful we don't get too much of what we pray for, but I think it would probably be safe to say, as I look around at the staff and everybody else here, that they were probably praying that it would come to a conclusion.

In that respect, I note, Mr. President, as I have in other years, that while I may joke about Senators being nothing but constitutional impediments to the staff, the fact is, the U.S. Senate, the greatest parliamentary body in the world, could not exist without the extraordinarily talented men and women who work on Capitol Hill for Members on both sides of the aisle, for commit-

tees, for the Senate itself, and those who take the notes of our proceedings, to those who keep the procedures of the Senate moving.

I say a special compliment to the young men and women who come here and serve as pages, come from all over the country and serve here as pages. I have been fortunate to have had a series of some of the most exemplary young men and women from Vermont who have served here as pages. They go through a rigorous screening process. Only the best get picked. And they go back to be the best among our citizens in our own State.

The people in this country oftentimes do not realize the extraordinary dedication of the men and women who work here who sometimes put in literally around-the-clock hours and days, who literally give of themselves more than any private industry could ever expect of anyone. And that is what makes the Senate work.

My friend from Mississippi and I were discussing earlier putting together this last-minute legislation. Well, we can make some policy decisions, but it is these people who have to then pull it together. For Foreign operations, Tim Rieser, from my staff, carries out my duties as ranking member on that. There are dozens of others on both sides that have to do this—Robin Cleveland for Senator MCCONNELL, who is the chairman of that subcommittee.

And it is the same with all the subcommittees, trying to pull these pieces together and actually have the paper. We stand up and say "aye" or "nay," but they have to have the papers on the floor in perfect condition for us to vote on them.

Then, whether it is the people in the Cloakroom, the people back at our offices, or anybody else, they also give up their family time to be here for the good of the country.

#### FOREIGN AID

Mr. LEAHY. Mr. President, I hope we can complete these foreign aid bills. I would also say to my friend from Mississippi, he mentioned whether we should use taxpayers' money for abortion in the foreign aid bill. There is a specific prohibition against any U.S. dollars being used for abortions abroad in the foreign aid bill.

In fact, as Senator Mark Hatfield, former chairman of the Appropriation Committee, and I pointed out on the floor earlier—he was very much a right-to-life, antiabortion Senator, consistent in that—pointed out that the family planning moneys that have gone in the foreign aid bill have dramatically decreased the number of abortions in those areas where they were used.

An example was Russia where abortion was used as a form of birth control, where we gave them family planning money and the number of abortions dropped dramatically.

So I hope that we will continue to do that and realize, while family planning

is something available to most people in the United States, in a lot of other countries it is not available because of costs, because of techniques, because of training, for whatever reason. Unfortunately, in those countries oftentimes abortions are a means of family planning. So I hope that those who are against abortion would realize family planning money can help us prevent that.

#### NOMINATIONS

Mr. LEAHY. Then lastly, Mr. President—I will probably speak on this again this afternoon. If we go out, it means there will not be a chance to confirm a number of judges who are pending, who have been pending for a considerable period of time; one in particular, who has been voted out of our committee twice, once last year and again this year, Margaret Morrow, one of the most qualified people, man or woman, ever to be nominated to be a district court judge.

We also have what I think is the shocking situation of Bill Lann Lee, who has been subjected to some of the most scurrilous charges—charges, unfortunately, repeated even by Members of the Senate. The charges have been refuted, but need to be refuted in a hearing. We have asked for a further hearing on Bill Lann Lee just so those charges can be refuted. We have been told that we cannot have that hearing.

I renew the request. We should have it.

We talk about civil rights in this country. The civil rights of this country are determined by having strong laws and strong people to enforce those laws. I do not believe in the better natures of our souls as Americans that all of us would support the civil rights of all others simply in a vacuum. Many of us would; others do need the requirement of a law to do that.

I would like to think that I am a person who would never break into an unlocked, unguarded warehouse in the middle of the night to steal things. But we have laws and locks to prevent others who may not feel as strongly motivated to obey the commandment: "Thou shalt not steal."

By the same token, we set up laws that say: "You shall not discriminate. You shall protect the civil rights of all Americans." Those laws need to be enforced. We do not have a chief enforcer now. The President has nominated Bill Lann Lee, a most qualified person for that position.

Unfortunately, the debate on this fine nominee took a decidedly partisan turn when the Speaker of the House chose to intervene in this matter and urge the Senate Republican leader to kill this nomination. He waited until after the confirmation hearing to raise and mischaracterize a case about which no member of the Senate Judiciary Committee, Republican or Democrat, had asked a single question. Indeed, apparently unaware of the decision of his