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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Russell F. Blowers, senior minister emeritus, East Ninth Street Christian Church, Indianapolis, IN.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Russell F. Blowers, offered the following prayer:

Let's pray together.

O God, our help in ages past, our hope for years to come, apart from Whom there is no authority or power or wisdom, we bow before You in worship and praise as the Senate begins this new day.

We are not here to brief You on world affairs or to ask for Your leading and then do it our own way as if You do not exist. You are not a weak and absent deity out in deep space but a Sovereign God who is here to monitor what is said and done in this room today. You are the audience. Give these honorable men and women the ability to perform with integrity as they advise, consent and dissent for the good of the country. Let them be encouraged by some humbling victory or exalting defeat.

We repent of our personal and national transgressions, for we have all sinned and fallen short of Your glory. Forgive us and heal us for "righteousness exalts a nation, but sin is a disgrace to any people."

Thank you for Your loving kindness and for Your extravagant blessings upon our beloved land.

Today, may the words of our mouths and the meditations of our hearts be pleasing in Your sight, O Lord, our rock and our Redeemer. Through Jesus Christ our Lord. 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.

THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, on behalf of the Senate, I thank Dr. Russell Blowers, of Indiana, for being here with us this morning. We thank you for that beautiful prayer. We are glad to have you visiting with us.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until 11:30. Under the order, the first hour will be under the control of the other side of the aisle and the second hour under the control of Senator COVERDELL or his designee.

At 11:30 the Senate will proceed to executive session for 30 minutes to debate and then to consider two judicial nominations: Carlos Moreno, of California, to be U.S. District Judge and Christine Miller, of the District of Columbia, to be a judge of the U.S. Court of Federal Claims.

Following that debate, at approximately 12 noon, two back-to-back votes will occur on the confirmation of those nominees. And then after the first two votes at 12, at 12:30, by consent, the Senate will recess until 2:15 in order for the weekly party conferences to meet.

It is my hope we will be able to consider and complete action on the Ronald Reagan airport naming bill. I will be consulting with the manager of that bill, Senator COVERDELL, and others who have ideas of how it should be handled. I hope to be able to discuss it with Senator DASCHLE so we can work something out on that and then be able to complete it and move on to other bills or nominations that we had hoped to be able to take up. There is a possi-

bility there could be another vote today, and I had expected that there would be a vote early on Wednesday morning, but we will not be able to determine that until we get something worked out on the Ronald Reagan airport bill.

I do want to mention also as a reminder to all Senators that at 5 o'clock this afternoon, from approximately 5 until 6, in room S. 407 of the Capitol, there will be a briefing with regard to Iraq by Secretary Cohen and Sandy Berger, the National Security Council Adviser, and other military officials to bring us up to date on what is the situation in Iraq.

We had hoped that Secretary Albright would be back and could attend that briefing, but she will not be present. I think it is important we go ahead with that briefing and then once she returns, maybe Thursday or early next week, we will ask her to come and brief us on what is happening and what happened during her trip to the Middle East and Europe. I think it is important we have close communication with the administration on what is happening, what they are finding from our allies and what their plans are so we can have input. So I invite Senators who possibly can be in room S. 407 at 5 o'clock this afternoon.

I yield the floor.

Mr. DASCHLE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Under the previous order, the time between 9:30 and 10:30 a.m. shall be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

The Senator from North Dakota is recognized.

THE PRESIDENT'S BUDGET

Mr. DORGAN. Mr. President, there will be an opportunity this morning for Members of the Senate to discuss the President's submission of his budget to the Congress yesterday.

The way the process works in our country is the President proposes a budget that contains his recommendations for spending priorities. And then the Congress deals with these recommendations in that way that Congress deems appropriate. The budget that the President proposes, and the budget that the Congress finalizes, reflect what we think the priorities are for our country.

It is certain that 100 years from now none of us will be here; 100 years from now we will be gone from this Earth. But if historians want to learn 100 years from now about who we were, and what we were, and what we felt was important to us, and what our priorities were, they could look at the Federal budget document and evaluate our spending priorities. What did we think was important? What did we invest in, in order to achieve a better future for ourselves or our country? And they could determine by our decisions about investment and spending what we held dear as a country.

This President has proposed a budget that is vastly changed from the budgets we have seen in recent years. When I came to the Congress in 1981, in the House of Representatives, a new President was assuming office here in town, President Ronald Reagan. He had a completely different vision of fiscal policy.

He was supported by an economic theory that suggested if you had very large tax cuts, you would still achieve larger amounts of revenue and you could actually balance the budget with large tax cuts. And so he proposed with his Office of Management and Budget guru, Mr. David Stockman, a series of budgets that proposed very significant tax cuts and a doubling of the defense budget.

And President Reagan's economist and others, particularly an economist

named Arthur Laffer, who developed a Laffer curve, said this would all work out OK. They said you can provide significant tax cuts, double defense spending, and it would all come out just fine.

In fact, that fiscal policy created a mountain of debt that began to choke this country. The President and Congress in combination embarked on a fiscal policy that was reckless. In fact, David Stockman, the chief strategist of it, said so in his book.

It took a long while to get through all of that, and even through the end of the 1980s and into the early 1990s the Federal budget deficit was climbing and climbing at an alarming rate.

President Clinton came to office in 1993 and said we are going to change that. And he presented the Congress in 1993 with a proposal to reduce the Federal budget deficit. As fiscal policy his proposal was tough, tough medicine.

And by one vote in the Senate and one vote in the House it passed. Some of my colleagues who voted for that are not here any longer because it was tough and controversial. But it put this country on the right road. Over a period of 5 years the budget deficit has come down, down, way down.

And some of my colleagues are unwilling to accept the fact that there is a cause-effect relationship between the actions you take to reduce this budget deficit and the results you get. But it is inevitable, if you look at the facts, to conclude that what this President and what this Congress did in 1993 to set this country on the right track has put us in the position today where we have a budget submitted to the Congress that wrestles that budget deficit to the ground and then says, as far as the eye can see in the years ahead, there is good news.

And the good news is that this economy is working. It's working better for the American people. I do not want to attribute it all to one person or one party. That is not the case. Last year we had a bipartisan budget agreement between Republicans and Democrats and that helps as well, and both parties ought to be credited for that.

But my point is I watched yesterday some people react to the President's budget submission, and it was the same cranky old tune you have heard from them every single year. It sounds like they have a permanent toothache. Nothing on Earth can make them satisfied or happy.

Let me see if I can help them out. Let me try to explain why the American people feel differently. Here is what makes the American people feel good about the direction we are heading.

The Federal budget deficit, as I said, has been down, down, way down now for 5 years in a row. And the deficit is almost nonexistent—not quite yet, but it will be.

Inflation is almost nonexistent. Inflation has come down, down, down. It is the lowest it's been since 1986. Housing starts are up substantially. In 1996

they totaled 1.47 million housing starts. That is the largest number of housing starts in this country since 1988. And what we know so far about 1997 tells us that the figures for all of last year will be even higher.

Mr. President, 14 million people are working now that were not working in 1993. Unemployment is down. I can recall when the Federal Reserve Board, that friend of mine, that institutional friend of mine, said if unemployment ever goes below 6 percent are we in for trouble; we are in for a huge wave of inflation. The Federal Reserve Board has been wrong, it has been consistently wrong about that. Unemployment is now at 4.7 percent, and inflation has not gone up, it has gone down.

Crime? The crime rate has gone down at the same time. This President said let's put 100,000 new police officers on the street. Let's put new cops on the street, on the beat. Guess what is happening. As our economy strengthens, and as more people are working, we have a lower crime rate. Since 1993, violent crime has dropped 16 percent. Robberies are down, assaults are down, the murder rate is down by over 20 percent, burglary is down. That is good news.

Welfare? In the last 4 years we have seen the largest decline in the welfare rolls in the history of this country. There are 2 million fewer people on welfare today than there were in August 1996, when we enacted welfare reform. I might say that this was a bipartisan accomplishment: Republicans and Democrats in the Congress joined to pass a welfare reform bill. I supported it as did many of my colleagues on both sides of the political aisle. A good economy plays a major role in this, but the welfare reform bill also set us on the right track.

Child support collections are up 50 percent after this Congress passed legislation cracking down on deadbeat dads who decide their children are not their responsibility and that the taxpayers should pay for them. The increase in collections is good news. Child support payments are up 50 percent.

Access to health care for millions of Americans? Because of last year's action, 5 million American children without health care will get health care.

Medicare? In the work that we have done to provide long-term stability for Medicare much, much more needs to be done, but we have done a great deal already.

I have more to say and I will in a bit, but I notice the minority leader, Senator DASCHLE, is on the floor. Let me yield whatever time Senator DASCHLE might use of the hour.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. I thank my colleague for his leadership and his usual eloquence. I want to associate myself with his remarks this morning. I appreciate very much his calling attention to the

extraordinary and very historic accomplishment that we mark this week as we begin the debate on the fiscal 1999 budget.

I have some charts here that I think probably tell the story as well as any three charts could. This first graph simply lays out our fiscal policy from 1980 through 2003, using the President's fiscal year 1999 budget proposal to project from 1999 to 2003. The portion in red notes our struggle with the deficit from 1980 all the way up until the present. The deficits during this period total \$3.1 trillion. Then in 1993 came the very controversial Omnibus Budget Reconciliation Act, which was enacted only after the Vice President cast the deciding vote. Passage of this act allowed us to make a dramatic reversal in our fiscal policy, generating savings that exceed the entire deficit that we have accumulated from 1980 through 1999. The green, or blue portion as it may appear on the screen, represents a total savings of \$4 trillion. It shows that prior to the passage of the 1993 budget bill, CBO was projecting that the deficit would explode from \$290 billion in 1992 to \$633 billion by the year 2003.

Instead, a wonderful thing happened as a result of courageous decisions made by Democratic Senators and Members of Congress—some who are not here today because they voted on that deficit. I will never forget that moment as long as I live. After much consultation with Senators on both sides of the aisle, but especially our side of the aisle, a majority came to the realization that this could be a historic vote. Indeed it was. That vote brought about a precipitous decline in the deficit, to the point where we now see a surplus for the first time in 30 years. That surplus is projected to be \$218 billion over the next 5 years. In 1969 I was a senior in college. I didn't really know, then, whether we had a surplus or a deficit. I really wasn't following it that closely. But I look back now and note that it was a surplus, albeit a small one. By the rarest of circumstances we had a set of economic conditions that allowed us to reach surplus that year. However, it was a fragile one and would not be repeated for 30 years. Now we are being told that the budget before us could achieve at least \$1 trillion surplus over the next 10 years. So this is not just a fleeting 1-year moment in time. Current economic analysis projects that it is very likely we could see budgetary surpluses for the next 10 years. If in the years ahead we practice the same fiscal responsibility we have demonstrated the last 5 years, we could see a surplus of \$1 trillion. In other words, we would not only achieve a \$4 trillion savings in projected deficits, we would add to that an additional \$1 trillion in surplus because of decisions we made in 1993 and again in 1997.

So no one should be surprised at the ceremony at the White House yesterday or with the extraordinary opti-

mism and excitement that many of us shared as a result of these tough decisions. We have all been in those rooms. We have all noted a change in discipline. We have all noted how difficult it is to say no. We have all noted that, were it not for tough decisions and the new discipline that we have been able to establish over the last 5 years, we would not be celebrating today. But, indeed we are, and this chart points out as well as any the reasons for that celebration.

This next chart is also quite educational and informative. The dotted line shows the average federal outlays as a share of gross domestic product over the course of the last 17 years, from 1980, when Ronald Reagan became President, through 1997, under President Clinton. The average outlay during this span has been 21.9 percent of gross domestic product. In the early 1980s we exceeded this average pretty substantially. The red line indicates what actually happened. In 1988 and 1989 we went below the average outlays and then during the Bush years we exceeded the average outlays. In 1993, upon passage of President Clinton's budget bill, those outlays dropped precipitously and have continued falling right to the present. We see a dramatic reduction. Never in 17 years have we seen anything close to the drop in outlays that have occurred in the last 5 years. So, as a percent of gross domestic product, the federal government is spending far less than we have ever spent in the last two decades.

Receipts have also gone up during this same period. We see that expenditures and receipts meet about in the middle. Receipts as a share of gross domestic product have averaged 18.5 percent over the period 1980 to 1997. This percent has gone up substantially in the last five years so that revenues and outlays meet in the middle to bring us that surplus. What is amazing is that even though average receipts are up, the amount of tax paid by the average American working family is down, the lowest it has been in 20 years. So, one might ask, why are receipts up? Receipts are up because people on Wall Street are making megamillions, the economy is stronger than it has been at any time in our history, and the explosion of economic vitality and growth has produced an economic engine that not only provides more after-tax income for working families and businesses and farms, but also for the governments. More governments today at the State and local level are declaring surpluses than at any other time. Why? Because the engine of this economy is as strong as it has ever been.

So, by showing fiscal discipline, by creating fiscal and monetary policy that meld so well, we have created an economic engine that has allowed this economy to grow, to bring in the receipts, even though the vast majority of middle-income families have actually seen a reduction in their taxes over the last 20 years. These outlays

have been reduced in large measure because we have been able to do something with government bureaucracy that we have not seen since John Kennedy was President: a lowering of the federal government's civilian employment. As depicted in this chart, we can see what has happened to Federal employment over the period of the last 30 years. When President Kennedy was in office, we had about 1.8 million employees working for the Federal Government. During the Johnson years that number shot up to over 2.3 million. It dropped in Nixon's time, went up a little bit in Carter's time, dropped somewhat in Reagan's time. But look what happened in President Clinton's time. The red portion of the chart shows the dramatic decline in civilian employment in the executive branch just in the last 5 years. It is once again at a level about where it was when President Kennedy was in office, when I was in 6th and 7th grade. So these outlays have gone down for many reasons, but they have gone down in large measure because we have the smallest Federal Government that we have had in more than 30 years.

We have had an effective Federal Government. In education, health care, health security, especially for Medicare recipients—in a lot of ways, even though our Government is smaller, our country and the Government is stronger. Now we are at the crux of some very serious policy questions. Perhaps the most important policy question is what do we do with the surplus. I think the President last week laid out the blueprint as clearly and convincingly as anything I have heard him discuss in the 5 years he has been President. This President has said, before we do anything else, let's recognize one thing. If we don't deal with Social Security soon in a meaningful way, by the time he and I and many of us so-called baby boomers retire, security, the fund may well be exhausted. Let's fix the Social Security problem, but until we do, let's ensure that we don't do anything with the surplus. In essence, we should pay down the debt as long as the Social Security problem remains unrepaired; so long as we don't have the confidence that Social Security will be available beyond the year 2030.

So I think the President is absolutely right. Let's solve Social Security, let's pay off some of the debt and whatever other things that we want to do. However, let's use the same fiscal discipline that we have used for the last 5 years to ensure that we provide good child care, good education, good health care, and a vital economy. We should pay for new investments and that's what the President's budget is doing. Every single thing in the President's budget is paid for, every penny of it.

So it's an exciting day. We celebrate success. We celebrate vitality in the economy the likes of which many of us have never seen in our lifetimes. We celebrate and perhaps look back with some satisfaction to tough decision-making. And we look ahead, having

learned those lessons, with some expectation that it can continue. We will continue to make tough decisions. We will continue to keep this economy robust. We will continue to show fiscal discipline. We will continue to be sure that regardless of what else we do, when we invest in our future, when we invest in our children, when we invest in the things that our people care so much about, that we make those investments good by paying for them. First, by protecting Social Security; second, by paying off some of the debt; third, by investing in things that are totally paid for with offsets that are real and calculable.

Mr. President, if that isn't a recipe for success, I don't know what is. I hope all of us, Republicans and Democrats, can acknowledge the importance of maintaining that success as we go forward. I noted that yesterday marked the first day of the debate of the 1999 budget. While we can debate a lot of things, I hope several things are off the table. I hope we don't go back to the old mistakes we made in the 1980s. I hope that we recognize that rosy scenario has no place in budget calculations any longer; that we have to ensure that the fiscal discipline and the leadership that we have demonstrated persists and can consistently be demonstrated through the decisionmaking process we make on the budget this year.

(Mr. ROBERTS assumed the Chair.)

Mr. DORGAN. Mr. President, I wonder if the Senator from South Dakota will yield.

Mr. DASCHLE. I am happy to yield to my colleague.

Mr. DORGAN. Mr. President, I know the Senator comes from a reasonably small town in South Dakota. I come from a much smaller town in North Dakota.

I have said on several occasions that in my hometown, like most hometowns, we have a couple of people who get up in the morning and go down to the bar and play pinochle all day. They are retired. They sit around and play pinochle and enjoy life. The fact is, they sit around and play pinochle and complain while other people are out doing other things, like figuring out how to pave Main Street. Almost nothing satisfies them. There are people like that in every hometown, and there are people like that in Congress. The fact is, there is no amount of good news that can satisfy the people who are bent on having a bad day. I find it interesting that we went through part of the eighties and some of the nineties going in the wrong direction, and everyone was standing up and saying, "Gee, we were right on course; the deficit was continuing to escalate, the Federal debt was continuing to grow and mushroom." Everybody said, "Well, we're right on course." But we weren't on course.

The Senator from South Dakota, I know, understands well the 1993 vote. In that vote, we on this side of the

aisle said, "Wait a second, this train is running right down the wrong track. We are going to stop it, back it up, turn it around and move it in the other direction." That is what has gotten us to the point we are at today, where instead of seeing escalating budget deficits and mushrooming Federal debt, we are seeing exactly the opposite. We not only see reduced deficits, and a reduced debt burden, but also an opportunity, even as we balance the budget, to invest in critical things that are important to the future health of the country. Is that how the Senator sees it?

Mr. DASCHLE. Mr. President, I appreciate the observation made by the Senator from North Dakota. That is true. There are some people who, given the kind of cards we have been dealt, you think would find some cause for optimism with all the good that is happening today: housing starts the highest they have been in history; the number of new jobs the highest they have ever been; the strength of the economy; the low interest rates; the fact that we are going to see a surplus; a growth in the economy that exceeds that of Europe and Japan together. That remarkable economic success ought to be cause for optimism for even the most ardent political pessimists sometimes found among our colleagues on the other side.

So I acknowledge, as you do, that it is a remarkable day when, even with all of this good news, there are still some people who are trying to find the dark lining in the cloud.

There isn't much dark lining there. If we stick to the text that we have been using for the last 5 years, there is a lot of silver lining upon which we ought to be building our future.

Again, I appreciate very much the Senator's leadership in bringing this to the attention of the American people and helping us as we make these tough decisions each and every day.

Mr. President, I know others are seeking time for the floor. So, again, I thank the Senator for allocating this time for discussion of the budget and our current circumstances. I yield the floor.

Mr. DORGAN. Mr. President, let me continue for a couple of moments to finish the presentation I was intending to make.

The reason I come back to the 1993 vote is that it was so controversial and so difficult for so many people. There were people here who said, "If you do this, if you pass this bill that makes a fundamental change in fiscal policy, you are going to cause a train wreck and you are going to run this country into a depression." We had people say that on the floor of the Senate. I won't read their quotes because that would not be fair. That was the intention of some folks on the floor, to say this is a terribly wrongheaded policy and going in the wrong direction. It turns out it was very important we change the direction of this country; it was the right policy.

When President Clinton proposed this budget, he talked about saving Social Security first. This is another way of saying we ought to pay down some of this debt. The problem has been that the Social Security trust funds have been used in the operating budget. I have been on the floor repeatedly talking about how inappropriate that is.

We ought to not step back into the same old hole we have been in for a decade and a half, or even more. We ought not to decide, the minute the budget picture looks better and we are headed in the right direction, that we are going to provide more tax breaks or more spending. What we ought to do is provide some confidence to the American people that we can manage this country's fiscal policy in a way that provides balanced budgets far out into the future. This President has done that in a way that says we are going to establish the right priorities for this country's future.

I want to mention two of them because others will come and talk about different portions of this budget. I want to talk about two. Some of the things the President has proposed represent additional investment in certain kinds of activities, and he has achieved that by reducing spending in other areas. I want to mention a couple.

Head Start. Does anyone in this Chamber who has visited a Head Start center believe that that is not the best kind of Federal investment we can make in young lives? Does anybody believe that program doesn't work? All of the evidence suggests that it is a wonderful investment in young lives. You go there and look in the eyes of these young children, 4- and 5-year-old children who are getting an opportunity in Head Start that they wouldn't have had otherwise. It yields tremendous rewards in the lives of each and every one of them.

When someone says, as we have seen in the past, "Well let's cut the budget and cut 60,000 kids out of Head Start," I say, "You tell me their names, which kids do you want to cut out of Head Start?"

This President says, and I hope this Congress will agree, that program works, that program makes sense, that program improves young citizens' lives. That's why his budget proposes to increase Head Start funding by \$309 million in the coming fiscal year.

Let me make one final point. There is a lot in this budget that makes a lot of sense. The National Institutes of Health. This President says let's do what we ought to do. Let's increase spending of the National Institutes of Health, and he does so in a way that gets NIH funding to \$20 billion in 2003, up nearly 50 percent over the coming 5 years, by achieving savings in other parts of the budget.

But I want to tell you briefly what they are doing down there at NIH. They have 50,000 plants, shrubs and trees from all around the world they collected with USDA, and they are

doing research. I encourage all my colleagues to go see what they are doing.

Contemporary medicine derives many of its drugs from plant sources all around the world. They are doing an investigation of chili peppers—chili peppers. Do you know what they are finding? Chili peppers have a pain-killing extract. People knew that in folk medicine long ago, but now it is being refined and used.

Sweet wormwood, a plant that has potency against malaria.

The willow tree, aspirin. The Chinese knew that 2,000 years ago. The java devil pepper, a drug used as hypertensive agents against high blood pressure. Rose periwinkle, used in Hodgkin's disease, anticancer agents. Foxglove, used in congestive heart failure.

The point is, go down and look at what they are doing and what we are getting for this investment. It is going to improve the lives of people in this country because it will lead to significant medical breakthroughs. And this is just one part of their research, in the area of evaluating plants, trees and shrubs all around the world for what folk medicine used to understand they can contribute. We are understanding in a more significant and sophisticated way that these natural resources can help people live a healthy life.

Go over to the Heart, Lung and Blood Institute and take a look at what they are doing with respect to heart disease and genetic research. It is possible some day in the future that someone whose arteries become clogged will have their body grow a new artery link around that blockage. That comes from genetic research.

My point is, that is an area of the budget that I am very excited about. Gosh, that makes a lot of sense because that is an investment in the future, that is an investment that is going to help this country and all people of the world.

I think it is exciting that we can come to the floor of the Senate at a time when the country is headed in the right direction. We have more jobs, more opportunity, more confidence in the future. The things that were troubling us—inflation, welfare, budget deficits, unemployment—are all of them down, down, way down. That ought to give cause for optimism to all Members of the Senate. And it should give the American people the confidence that finally we are moving in the right direction.

That is why this budget document is important. It sets out some priorities. Are some of them maybe adjustable? Are some of them wrong? Yes. Are a lot of them right? Yes. Let's have a debate about that, and let's describe and select those priorities that we believe will strengthen and improve this country.

I am happy to yield such time as he consumes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from North Dakota for this opportunity to speak.

I came to Washington 15 years ago to be a Member of the House of Representatives. I can recall that one of the major items that we discussed in the entire 14 years that I served was the budget deficit. It seemed like such an impossible, intractable problem. Through President after President, we had these theories on how we were finally going to reach balance.

Oh, there was this steely resolve from everyone that we are going to get it done, and it seemed to be an elusive target that we missed year after year after year. As the balanced budget effort failed, the debt of the Nation grew and our deficits grew. We continued to shell out millions and millions and billions of dollars in interest on the national debt, money wasted that couldn't be spent for other good purposes.

Thank goodness we are in a different era. I pick up the morning paper and see the President of the United States has submitted to Congress for the first time in over 30 years a balanced budget. I read as well the last balanced budget submitted by President Lyndon JOHNSON was the result of a substantial tax surcharge which was imposed on the American people. So this President has brought us to a point with a balanced budget without this increase in taxes on working families, but giving us, I think, a better opportunity in the future.

How did we reach this point? I think you have to go back at least to 1993 when we passed the budget of the President. A Democratically controlled Congress, with not one Republican vote in support, passed a budget which moved us substantially toward a balanced budget.

It said that in the outyears, we would reduce spending, we would make certain that our books would be in balance, and then, to give credit where it is due, with the Republican Congress, just this last year, we came together again and, on a bipartisan basis, finished the job, finished that last important but small piece that needed to be added to reach balance. Add that to our bustling and thriving economy, and we have a situation that all of us can finally take pride in that we have a budget that is balanced for America and is balanced in its priorities.

Speaking to that budget, my friend from North Dakota mentioned several areas that are near and dear to my heart. The whole concept that we would finally find the resources in this budget to help working families pay for child care is one that is long overdue. During the break that we just completed, I traveled the length and breadth of Illinois visiting child care centers, seeing what was going on in the small communities and large cities of my State.

I can tell you, it is heartening, it is encouraging—but there are many challenges there—to go to St. Vincent de Paul Child Care Center in the city of Chicago and find 400 children in a very

positive, warm and safe environment and to know that those children are receiving the very best care. But then I hear from Sister Katie that there are, in fact, a thousand more children waiting to come to that center. Where are those kids today? Who is watching them? What are they learning? Is it good or bad?

The President's budget says let's start providing more money for families to pay for child care, and he issues the resources from the tobacco agreement—one that I think should be one of our highest priorities this year. If we leave town in 1998, if this Senate and House leave town without enacting tobacco legislation—a tobacco agreement, a comprehensive approach—we will have turned our back on a golden opportunity for families across America to help pay for child care.

In the area of medical research, it always puzzled me that this area of research, which is so popular among the American people, didn't receive the kind of investment that it was due. I will give credit where it is due, within the last year or two my colleague from Illinois, Congressman JOHN PORTER, and others, have moved forward to increase NIH funding.

We can do better. We can do more. With this tobacco agreement and the proceeds from it, through this budget, we will finally start making the kind of investment in health research which every family cares for. Now, people may not come up on the street and say, "Senator, I hope you will do something about health research," but I say just visit a hospital. Visit a hospital where some family member is seriously ill and sit around for a few minutes, and you know what they will say. "I hope that the people working in Washington and all across the country can help spare my family or at least some other family what we have gone through with this health problem."

The last point I will make is critically important. There is a lot of talk about what to do with our surplus. There is kind of a surreal quality to this—a surplus? It was just a year ago that if you came to the floor of this U.S. Senate you would have found several Members—one parked at this desk right over here—with a stack of books higher than his head, all the budgets that have been submitted that were not in balance. And what was his suggested solution and the solution of many of my colleagues? An amendment to the Constitution.

It is fortuitous that on the floor waiting to speak next is Senator ROBERT BYRD. Senator BYRD of West Virginia has led the fight against this notion for a long, long period of time. Senator BYRD will recall the speeches, "If we don't amend this Constitution, if we don't put a balanced budget amendment in the Constitution, we will never reach balance. We have to change the Constitution." Senator BYRD had the wisdom and the leadership to stand up and say, "You are

wrong. This can be done with political will. It need not be done by changing the Constitution of the United States."

Here we are 12 months later, I say to the Senator. I don't hear the hue and cry on the floor anymore from our friends on the other side of the aisle about amending the Constitution. They pick up the paper in the morning and say, "You've reached a balanced budget." We didn't have to put that travesty in our Constitution. I think there is a lesson there. We certainly owe a great debt of gratitude to Senator BYRD for his leadership in reminding us that we ought to step back and take a look at the course of American history before we jump and run and add things to that great document.

Now today, I say to the Senator, there are people who say we don't have to worry about the deficit anymore, our biggest problem is trying to figure out how to spend this surplus. All this extra money, what can we do? Can we declare a dividend for the American people? Give them tax breaks and become the most popular politicians in a generation? I suppose we could do that, but I think that is shortsighted. We don't know where this economy will be 6 months or a year from now. We don't know where Federal revenues will be. It is far better for us to take a cautious course.

I think President Clinton was right in his State of the Union message. Our first stop on that course should be Social Security. Let's make certain that if there is a surplus that we can count on, that we invest it back into Social Security so that it is there not just for generations to come but for the next century. We can do that, and we can do it if we don't rush to judgment here, if we don't spend this phantom surplus, if we don't overinvest.

As we were caught up a year ago in the idea of amending the Constitution, let's not get carried away in 1998 with overspending this surplus that may be illusory or only temporary.

I stand today happy that this administration has brought forth the first balanced budget in 30 years, but understanding that within that budget are important priorities for the working families of America, priorities which will never see the light of day unless this Senate and the House of Representatives work together to make certain that we keep your eye on the goal. The goal is making sure that we have a better standard of living for families across America.

I thank Senator BYRD for giving this opportunity to speak and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the very distinguished Senator from Illinois. He is an extremely able Senator and he is focused on the betterment of the country and always with the interests of the people of his State uppermost in mind. I am glad to serve with him.

ISTEA

Mr. BYRD. Mr. President, there is an urgent necessity for the Senate to turn immediately to the consideration of the Intermodal Surface Transportation Efficiency Act of 1997, ISTEA. That is the highway bill. That bill was reported unanimously by the Environmental and Public Works Committee on October 1, 1997. However, due to our inability to enact a comprehensive 6-year ISTEA reauthorization bill at the close of the last session, our State highway departments and transit providers are currently operating under a short-term extension bill that provides roughly one-half year of funding which is needed for our Federal highway construction, our highway safety, and our transit programs.

That short-term extension bill, Public Law 105-130, signed by the President on December 1, 1997, includes the following text, and I hope that Senators will listen carefully:

A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998.

Let me repeat this provision that was in the law enacted and signed by the President on December 1 of 1997. Listen to these words:

"A State," that is my State, the State of the distinguished Senator who presides so efficiently over this Senate, that is the State of each of 99 other Members, "A State shall not obligate any funds for any Federal aid highway program project after May 1, 1998."

That is just 42 legislative working days away—42 days.

I want to take a moment to explore the practical impact of that sentence. That sentence means that on May 1 of this year, just 87 days from today, with just 42 legislative calendar days—session days, we might say—away, our State highway departments and our transit providers across the Nation will be prohibited, by law, from spending any Federal highway or transit trust fund dollars. This provision does not apply just to the funding that was part of the short-term extension bill; it applies, equally, to any other unobligated funds that States may have left in their accounts for highway or transit projects currently in progress.

Mr. President, this provision, prohibiting the obligation of highway or transit funds after May 1, is a doomsday provision. It is a provision that says, beginning 3 months from this past Sunday, all 50 States in the union will begin to hit the same brick wall and feel the same pain—the pain of a Federal highway program coming to a halt, the pain of workers being put on the unemployment line, the pain of urban mass transit projects stopping in midstream, the pain of gravel quarries shutting down, the pain of construction equipment manufacturers closing their doors, the pain of our citizens sitting in ever-worsening traffic jams due to the inability to progress on desperately needed projects, the pain of unnecessary accidents and deaths on

our highways—all of these because those roads cannot be brought up to modern safe standards. Make no mistake about it, May Day, May the 1st, May Day, will certainly elicit a cry for help from our States and our people.

You will hear the Governors, you will hear the mayors then, you will hear the highway agencies then, from all over this country.

Mr. President, when the Congress put that doomsday provision into law, we did so at a time when the Senate majority leader was telling the Senate that we would turn to a comprehensive 6-year ISTEA reauthorization bill as our first order of business early in the second session of the 105th Congress. Back in November we knew that, if we took up the ISTEA bill at the end of January, we would have sufficient time between then and May 1 to move an ISTEA bill and go to conference with the House and present a completed bill to the President for his signature. It was an ambitious schedule, but it was achievable.

Mr. President, today, that picture appears to have radically changed, and it does not appear that we will be taking up the highway bill any time soon. I say this from the inferences that I draw from newspaper reports and the reports that I receive by word of mouth and various other communications, electronic and so on. There are exceedingly few legislative days available to us prior to May 1, as I have already indicated, about 42 session days. I am not counting Saturdays and Sundays. These are session days. Although the priorities of the Senate leadership may have changed regarding debating ISTEA, the doomsday date of May 1 remains in the law. While it may be the desire of the Senate leadership to debate a budget resolution prior to the consideration of ISTEA, let's realistically face what that means. While the law requires that the Senate pass a budget resolution by April 15, the fact is that we miss that deadline far more often than we meet it. And if we just listen to the statements that have been made in the last few days regarding the President's budget, it is apparent that the debate over the substance and the direction of the budget resolution promises to be a long and contentious one.

So what is the real possibility of our enacting a comprehensive 6-year ISTEA reauthorization bill prior to May 1, if we do not turn to it immediately? Not good, at best.

Mr. President, some observers have looked at the calendar and concluded that the Senate, along with the House, will just have to pass another short-term ISTEA authorization bill. Well, Mr. President, I am not a member of the Environment and Public Works Committee. But, I am told by both the chairman and ranking member of that committee's Surface Transportation Subcommittee that the chances are very slight, indeed, that we will be successful in, again, passing a short-term

ISTEA extension bill. Over 200 amendments were filed to S. 1173, when it was brought before the Senate last fall. Several Members are anxious to offer their amendments. Punxsutawney Phil, the groundhog, has seen his shadow, but we here in the Congress cannot seem to see the handwriting on the wall.

I again urge the leadership to bring forward and take up the ISTE A bill now and let the Senate get on with debating and voting on the many amendments that have been filed in connection with this bill.

There is simply no other way that we can hope to complete action on this critical legislation prior to the May 1 drop dead date that presently is hanging over the heads of all of us like Damocles' sword. All of us are responsible for ensuring that the Nation's highway programs continue without undue interruption and uncertainty. The time for dithering and delaying is over. We need to keep our commitment to the States and to our people and act now to avoid this doomsday scenario.

Mr. President, I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that the next hour of deliberation is under my control or that of my designee.

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the time between 10:30 and 11:30 shall be under the control of the Senator from Georgia or the Senator's designee.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, over the last several days, there has been considerable discussion about the State of the Union Address and the general framework of the President's new budget and subsequent presentations that have been made to the Congress and to the American people about this budget. Over the next several months, we are going to entertain a lot of hyperbole, a lot of rhetoric, and probably a lot of finger pointing, but I have a business background—bottom line. The bottom line here is that the celebration conducted on the White House lawn last year for the first balanced budget in 30 years and the first tax relief in 16 years, if we accept the President's presentations, is being canceled. It didn't last a year. Just take an x and mark it out and take all those films and set them aside. It didn't happen, because the tax relief—the first

significant tax relief in 16 years—was \$110 billion over the next 5 years. The President's budget envisions tax increases of \$106 billion over the next 5 years. So the tax relief is crossed through, gone.

Now, it's true that there will be a different set of winners and losers, which is unfortunately the type of thing that happens in the Capital City. The point is, they made huge fanfare that we were giving \$110 billion in tax relief. We have gone home and talked about it, and we are right back here raising it again, canceling it out.

Now, the balanced budget—the first in 30 years—the balanced budget agreement, which was a very hard-fought battle, finally secured and signed with great celebration on the White House lawn, envisioned a cap of expenditures over 5 years. In other words, we came to terms about how much we were going to spend between the signing of that and the year 2002. Preset. We told the American people that we are on a glidepath and we have decided what we are going to spend. Well, the fruits of this have been enormous. The world has looked at us and said that this is a very positive thing. The President's budget takes that and sets it aside and says, no, we are going to go back to the days of tax and spend, and he is proposing \$150 billion in new spending, added on above those caps that we agreed to.

So, in short, bottom line, you take the budget deal and tax relief and throw it out, cancel it. That is where the debate starts this year. I think that is unacceptable.

Mr. President, we have just been joined by my good colleague from Missouri. He is operating under a real scheduling problem here. I am going to yield up to 10 minutes to the Senator from Missouri. He is dealing with another matter, but we want to facilitate the Senator's schedule, and it is a very important initiative that he is going to be talking about this morning.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mr. BOND and Mr. FRIST pertaining to the introduction of S. 1599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COVERDELL. Mr. President, we have now been joined by the senior Senator from Texas, Senator GRAMM, an acknowledged expert on economics and the budget. I welcome him to the floor to discuss the President's budget. I yield up to 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear friend and leader from Georgia, Senator COVERDELL, for yielding. Let me first say that this is a very happy occasion to me because I have come to the floor of the Senate to talk about a budget where in the one provision that Americans clearly understand best, and based on the historical

problems we care about most, we have a unanimity of purpose with the White House, with the Democrats. In fact, this is the first time in my career in Congress that we have a President, a minority party, and a majority party, all of which have committed to balancing the Federal budget.

It is a certainty that if the economy stays as strong over the next 18 months as it is today that we will balance the Federal budget in fiscal year 1999, which is October of 1998 through September of the year 1999. That, obviously, is good news.

So I think the first thing we need to do is we don't need a debate about balancing the budget. We don't need a debate about how we differ with the President on this subject. Some people will want to debate about how it happened. Some people will want to debate who should have the credit. But it seems to me that the good news is given the economy stays as strong as it is we are going to have a balanced budget, and the President and the Congress—Democrats and Republicans—agree on the bottom line of that budget.

So given all of that happy news, I think we should just simply take it to the bank, so to speak, and move ahead on that front.

Now the question comes: Where do we disagree? That is what I would like to talk about today because I think those disagreements are very, very important. How did we get to where we are today? It seems to me that it started in 1985 when for the first time we really started to try to gain control of spending. It has been fiscal responsibility—often a battle between the President and the Congress, Democratic Presidents, Republican Presidents, Democratic Congresses, Republican Congresses. But the basic fact of life is that since 1985 we have limited the growth of Government for the first time really in the postwar period.

Where does the President want to take us from this happy moment, and where do Republicans want to take us from this happy moment? Given that together with a strong economy we are going to balance the budget, which road does the President want to go down? And which road do Republicans in Congress want to go down? Then it seems to me that it is up to us to define those paths as we come to this fork in the road where people need to choose which path they want to follow.

The President is proposing in his budget \$115 billion of new taxes and user fees. These taxes entail many different provisions from taxes on airline tickets to changing the way we deal with life insurance—numerous provisions. But when you add up all of the taxes and user fees, the President's budget over the next 5 years will take \$115 billion out of the pockets of Americans and transfer that money to the Government. The President will then use that money to fund in part a \$130 billion increase in Government spending. Anyone who heard the State of the

Union has heard the long list of things that the President wants to spend money on.

The first thing I want people to understand is that this represents a dramatic change in policy. The President is contemplating from this point where we have all come together to balance the budget taking a leftward path at this fork in the road that entails a very substantial increase in taxes, and a very substantial increase in Government spending.

Let me tell you why I am concerned about the increase in taxes and user fees. I am concerned because never have Americans paid more taxes than they do today. American families all over the country—when you add up the total taxes they pay—are paying about 31 cents out of every dollar they earn to the Government in taxes. We didn't pay 31 cents out of every dollar at the peak of the war effort in 1944 and 1945. We didn't pay 31 cents out of every dollar at the peak of the Civil War effort. Never in the history of the country have taxes been higher than they are today. Yet, in the President's budget under his own numbers, the percentage of the income of Americans who work for a living that goes to the Federal Government in taxes rises for 1998 over 1997 and rises for 1999 over 1998.

For 3 years in a row, despite the fact that we are at the highest tax level in American history, the President would raise taxes again, meaning that Government would be spending more of our income than at any time in American history. And the only other times in American history that we have even rivaled this level of taxes were times when defense spending was at a record high. And today defense spending is lower than it was when the Japanese bombed Pearl Harbor on December 7, 1941.

Now it seems to me that what Republicans have to do—and I think we need to do it in a very open way because this is a public policy choice—is we need to go through and look at all of the \$115 billion in taxes and user fees, loophole closures, whatever euphemism the President may have for them, and we need to make a judgment. Are these good things, are they bad things, should they be done, are they equitable, and do we want to take that much in revenues? That is the first question we have to answer. I think we do it by looking at each individual program and making a decision.

Then we come to the decision as to what you would do with this money if you had it. If we had \$115 billion of new revenues, would we want to go out and undertake \$130 billion of new spending programs, or would we want to give that \$115 billion back to the American people by cutting taxes?

It seems to me that the difference between Republicans and the President at this sort of defining moment where we are on the verge of achieving a balanced budget and facing this fork in the road that the President wants to go

left in raising taxes to increase spending even though the tax rate is at a record high. I believe Republicans think that we should look at each one of the President's revenue proposals. But, if we believe that they merit our action, our support, we think we ought to take that money and give it back to working Americans in terms of tax cuts.

We have had proposals by the President, for example, to spend \$21 billion on child care, a new massive program at the Federal and State level in block grants. Republicans believe there is a child care problem. Today the average American family sends one out of every four dollars it earns to Washington, DC. In 1950, when I was a baby, the average American family was sending one out of every forty dollars it earned to Washington, DC. Today working wives in two-parent families where both parents work outside the home are paying 55 percent of their earnings in taxes that didn't exist when I was a baby.

So, obviously, working families do have a problem paying for child care and raising children. But is the answer another \$21 billion Federal program? Or is the answer, for example, to double the dependent exemption from \$2,500 a year to \$5,000 a year so that instead of taking \$2,500 off your income before you figure your taxes per child for those under 6 you take \$5,000 off per child. So you could keep more of your own money and invest it in your own decision about child care, whether it is professional child care, whether it was church based child care, or whether it is grandma keeping the children, or whether it is mom staying home with the children. You would have a choice. That, it seems to me, is a legitimate choice that Americans can look at.

The President believes the answer to child care is \$21 billion of new Government spending. We believe the answer is to take the \$21 billion, double the dependent exemption for children under 6, and let working families decide how to spend the money. I think the advantage of our program is you don't have to use child care to get benefits. If you stay home with your children, you get the benefit. If you work outside the home and grandma takes care of the children, you get the benefit and you decide how to spend it. Who says one is better than the other? I think that is up to the American people. But that is the decision we are making at this crossroads where the President says the answer is more Government, and we say the answer is more freedom—in this case freedom to spend your own money.

If you ask American families that are in that income level—between \$25,000 a year and \$50,000 a year—so that their tax rate is popping up from 15 percent to 28 percent, if they would rather the Government spend \$130 billion on their behalf, or would they rather say that if they can work and make more money we will tax them at 15 percent instead of 28 percent, what if we could say for

single people that they can earn \$34,000 and still be in the 15 percent bracket, and we could say to working families that they can earn \$50,000 and still be in the 15 percent bracket instead of \$40,000? If we could do that for the same cost that the President is going to incur in funding all of these new Government programs, would working families rather keep that extra money and spend it themselves on many of the same things we say we are going to spend it on their behalf, or would they rather us do it?

Again, we are at that fork in the road where we came together to balance the budget. But the President and the Democrats say let's spend this money on more Government programs. We say let's let working families keep more of what they earn, and for middle-income families who have seen all the Reagan tax cut eaten up by an increase in payroll taxes, let's stretch out this bracket at 15 percent.

Let's go up to \$34,000 for single, and \$50,000 for working couples where they will still be taxed at 15 percent, not 28 percent. Would they prefer having that, or \$130 billion worth of new Government spending? No one says the President is wrong and we are right. What we are saying is America, which do you want? Do you believe Government can spend your money better than you can spend it? Do you think we are wiser than you? Do you think we know your needs better than you know your needs? Do you think we have this wisdom and insight and perspective that you as fathers and mothers, grandmothers and grandfathers lack? Well, if you do—and that is a perfectly legitimate view; it is not one I share, but it is legitimate—then you want to support the President's program. But if you believe you could spend the money better, that you know a little bit more about taking care of your children and raising your family than the Government does, then you want to support what Republicans want to do. You want to support going down the fork in the road that we choose from this point. That is basically the choice that we have.

Let me address two additional issues very briefly. If we have a tobacco settlement where we agree with the tobacco companies that they are going to pay the Government money—and the whole purpose of the settlement that everybody forgets in this rush to spend the money is that if there is a settlement the settlement is that the tobacco companies owe the taxpayers for the medical costs that have been imposed on the Federal Government as a result of people smoking—where have those costs been imposed? Those costs have not been imposed on school buildings or teachers. I'm not sure that smoking stunts your growth when you are a child but we know that it raises the probability that you will have lung problems, heart problems, and numerous other health problems when you get older.

The cost of smoking borne by Medicare has been probably six dollars for every one dollar that the States have spent on Medicaid because of smoking. So if we are going to have a tobacco settlement, the cost that the tobacco companies are paying to the Government is really to compensate for the cost of Medicare.

So I don't think it is unreasonable that we ought to take that money and use it to save Medicare—not just for our parents but for our children.

So if there is a tobacco settlement, the money ought to go where the settlement agrees it is for, and that is to compensate the taxpayer for medical costs. And almost all of those costs at the Federal level are borne by Medicare.

Finally, if we are just simply going to raise taxes on cigarettes, then we get back to the decision at this fork in the road as to whether if we are going to raise taxes on cigarettes to discourage people from smoking, should we give the money back to Americans by cutting tax rates, or lowering the taxes in some way, or should we have the Government spend it and let the taxes which are already at historic highs rise even further?

Again, there is no right or wrong here. It is a question of what Americans want.

Finally, in protecting Social Security, I went to the State of the Union Address, and I guess many people tuned in excited to hear what the President was going to say about Social Security. The plain truth is, to my disappointment, the President said almost nothing about Social Security. He has proposed no program whatsoever. He just simply outlined the \$130 billion worth of new spending and then said to Republicans, do not dare talk about cutting taxes because you need the surplus to save Social Security.

The point is, if we want surpluses to save Social Security, we should not spend the \$130 billion to begin with.

How would you save Social Security? First of all, over the next 5 years, \$600 billion is going to be paid into Social Security above the level that we are actually paying out for Social Security benefits.

Under the President's budget, we spend \$400 billion of it on general Government. I think we ought to take that money and invest it in Social Security. How would you do it? Let me tell you very briefly how I would do it. Currently, workers pay 12.4 cents out of every dollar they earn in wages to Social Security. None of it represents a real investment, and it is all either paid out in benefits or spent on general Government. There is no trust fund. The trust fund exists as only a paper accounting system where the Government claims it owes money to Social Security, but it does not count it as an external debt and when it pays interest, it does not count it as an expenditure of the Government.

What I would do is take that \$100 billion a year being paid in above what we

are spending and actually make investments that would be owned by individual workers. By doing that we can cut in half the long-term liability of Social Security.

So to sum up, since I know one of my other colleagues is here to speak, we have come together on a bipartisan basis, Democrats and Republicans, the President and Congress, with a unity of purpose to balance the budget. We agree on that, and we are going to do it, and that is no longer something we are debating. The question is where do we go from here. Do we need more Government even though we have a record high tax rate, or do we need to let people keep more of what they earn? That is the choice we face. That is what the debate is about. And I hope people will understand it and make their choice. I believe they will choose freedom. They always have when they have had the choice and when they have understood it. I believe that is the choice they will make.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia.

Mr. COVERDELL. I appreciate very much the thoughtful remarks by the Senator from Texas.

We have been joined by our colleague from Arizona, and I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank my colleague from Georgia and, of course, second the remarks just made by my colleague from Texas.

Mr. President, with the Federal Government apparently on the verge of its first unified budget surplus in nearly 30 years, many people are beginning to ask what comes next, what should happen to the budget surplus if and when it materializes. Should we spend it? Should we begin to pay down the national debt? Should we provide hard-working American families with some meaningful and, I would say, long overdue tax relief?

Before we try to answer those questions, I think it is worthwhile to recall how we got here. Remember, it was not that long ago—in fact, it was as recently as February of 1995—that President Clinton submitted a budget that would have locked in annual deficits in the range of \$200 billion in the foreseeable future. A unanimous Senate rejected the Clinton budget on May 19, 1995, and from that point on the debate took a fundamental turn from whether to balance the Federal budget to how to balance it.

During the last 3 years, we began to slow Federal spending growth. We have eliminated 307 mostly small Federal programs. But perhaps the most decisive factor has been what we did not do. We did not impose another large tax increase on already overtaxed families and businesses. And that gave people enough room to do the things that

they would naturally do to result in an invigoration of our economy. In fact, the economy has outperformed everyone's expectations, producing tens of billions of dollars in unanticipated revenues to the Treasury which has helped to close this budget gap.

When the budget agreement passed last year, for example, deficits were projected to go from \$67 billion to \$90 billion. The budget agreement allowed for substantial amounts of new spending before starting down the path to balance in the year 2002. It was the expectation of deficits in the interim that were higher, not lower, that contributed to my decision to oppose last year's budget deal. It now turns out that the 1997 budget deficit came in at only \$22 billion and is projected to amount to about \$5 billion in the current year, all because of the economy's robust performance and it comes in spite, I would note, of the substantially increased spending allowed by the 1997 budget.

So what ultimately we decide to do with the surplus—and again I caution that projections are just that, projections—we ought to be sure that it sustains the economic growth that has gotten us to where we are today. And that is why of the three possible approaches to utilizing this budget surplus, it seems to me the one that makes the most sense is to return what we do not need to spend at the Federal Government level back to the hard-working families who earned it so that they can make the decisions in their own lives as to how to spend that surplus, thereby enabling us to continue the long term of economic growth which this country has been on now for the last many months and to ensure that robust economic growth continues to produce more revenues to the Treasury in the future that can help us sustain both the Federal budget and ensure that we do not have deficits in the future.

The President, of course, has taken a political road here. He is suggesting that we should use the surplus for Social Security purposes. As Senator GRAMM pointed out, there is no indication as to how he would do that, and as a matter of fact since the money going into the Social Security trust fund amounts to an IOU to the Social Security trust fund because it is then immediately spent by the Federal Government, we do not put Social Security money in a shoe box here at the Federal Government level. What the President in fact is saying is simply allow that money to be spent by the general fund of the U.S. Government, and I think that is unacceptable.

The other thing the President has said is, let's spend about \$130 billion on new programs. That is not what to do with the budget surplus that may or may not materialize, and that in any event would put us on a road to spending that money every year in the future. Clearly, we cannot sustain forever the kind of economic growth we

have today, and as a result we should not be embarking on new spending programs that we are going to have to find new sources of revenue to support in the future.

Another thing we can do is to begin to pay down the national debt. Given the fact we are paying almost \$1 billion a day on interest on the national debt, it makes sense for us to do that. So to the extent we do not need the revenues for other purposes, we can devote part of that to paying down the national debt. But I suggest that the best way to ensure that we can continue to have a robust economy, continue to gain the receipts that we need to pay for Federal Government programs and also to ensure that American families continue to receive some benefit from this economy is to provide that hard-working American family with tax relief to the extent that the budget surplus permits us to do so.

Clearly, the most effective from an economic point of view, what Alan Greenspan testified to the other day, if we are going to provide tax relief, it should be in terms of marginal relief for all Americans. But to the extent that politically we are not able to do that this year and that we need to do something in a targeted fashion, I think most of us agree the most beneficial kind of tax relief would be aimed at eliminating the current marriage penalty which in effect has the Government of the United States supporting a policy which encourages people who are living together, working but who are not married, to continue to stay unmarried because, after all, if they marry, then the second person's income is immediately put into the top bracket and they end up paying a lot more in taxes than they would if they remained unmarried. It should not be Government policy to be fostering that kind of family situation, and as a result the marriage penalty ought to be one of our first targets for elimination to the extent we can spend any of this surplus for tax relief.

I use the word "spend," Mr. President, and in closing I want to make this point. That is the term that the budgeteers use, that the people inside the beltway use when they talk about a surplus and putting it to "good use." They talk about spending as if it were Federal Government money. And in the beneficence of the Federal Government we are going to give it back to the American people. The truth of the matter is we should not have taken it from the American people in the first place because, as it turns out, we did not need it and as a result the only right thing to do is for the Federal Government to return it to the American people in the form of tax relief.

Again, I conclude by saying the benefits of that are twofold and significant. No. 1, American families are already way overtaxed, and this enables them to provide more for their families in a way that they deem most effective rather than somebody here in Wash-

ington, DC. But secondly, because there is more family income at their disposal, to be spent, to be saved, and in saving to be invested in the American economy, we can ensure that the economy continues to perform as it has with the result that not only do we all have a better standard of living but, of course, the Federal Government continues to get more revenues because we have not changed basic tax rates. As long as those rates remain where they are, a robust economy is going to continue to allow the Federal Government to do just fine in terms of its collections of revenue. That is why we can ensure that we can balance budgets in the future, we can have plenty of money to begin paying down that Federal debt, and we can provide tax relief to families and encourage a robust economy if we will use whatever surplus exists to return to the American people so that they can then spend it as they see fit.

These are the options. I think that the Republican plan, which focuses on debt reduction and tax relief, is the right way to go and that the President's ideas for more spending, while they will get a courteous listen here on Capitol Hill, are in the end not the best way to deal with the surplus that we might have and ultimately will have to be rejected by the Congress.

I thank my colleague from Georgia for making this time available to discuss these important issues and look forward to our continuing discussions.

Mr. COVERDELL. Mr. President, I thank my colleague from Arizona for his remarks and yield 7 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. I, too, thank the Senator from Georgia for getting the time in the Chamber to talk about the President's budget submission and some of the things that we hope Congress is willing to do in working with the budget that we have. I concur with my friend from Arizona who just spoke and, before that, my senior colleague from Texas who talked about the very clear choice we have in dealing with the budget issues.

The clear choice is, do you believe that we should increase Government spending by \$123 billion this year or do you think the hard-working American family should get back more of the money it has earned and worked for. And do you think we have a responsibility to our future generations to pay down the \$5 trillion debt that has accumulated over the last 40 years in our Congress.

That is the clear choice. I come down very strongly on the second choice. The choice should be that we would do what is responsible for ourselves and for future generations, and that is to pay one-half of any surplus we might have on the debt so that we start whittling it down to a reasonable, manageable size. We cannot turn over to our children and grandchildren a bill of \$5

trillion, that if we are in a recession, will skyrocket their taxes in order to pay. The other half should go back to the people who earned it. I never cease to be amazed at the way people who want to have more Government spending talk about tax cuts. They talk about tax cuts in terms of what is going to cost the Federal Government. I talk about tax cuts in terms of what is it going to cost the American family if we don't give back to them the money they worked so hard to earn, for them to decide what they would like to spend it for in their own families. That is the difference in framing the question. And I am for the hard-working American family.

Most families in this country—in fact, the average family in this country pays 38 percent of what it earns in taxes. That is wrong. We do not need to have that much Federal Government encroachment into the pocketbooks of the American people. We do have responsibilities in Government, but we do not have to take such a chunk out of the hard-working American's pocketbook if we manage our taxes and our spending responsibly and if we are efficient in spending the taxpayer dollars.

So I would just say that I think the President has gone on the wrong track when he says we are going to have a surplus and therefore I want to increase spending by \$123 billion. He is mortgaging the future of our children and he is saying I want to spend today and let's not think about tomorrow. That is not what our responsibility is, as the stewards of our country and our Government.

So I am hoping we will do the right thing. I am hoping that as we are looking at a level budget that we will also prioritize within that budget and I hope we will remember, on the eve of potential problems and conflicts in the Middle East—that we will remember one of the main roles of the Federal Government is to provide for the national defense. In fact, this budget does begin to stop the decline in spending for procurement in our national defense. It does provide for a 3.1 percent increase for our military personnel—well deserved. But it continues to decrease the personnel strength. In fact, in this year's budget it decreases another 43,000 in our troop strength from 1997 levels. We are already at the lowest levels this country has been since the Korean war.

There was the assumption after the cold war that somehow the world was safer. But now, because we see escalating tensions in the Middle East, because we know the North Koreans continue to train and build up their military, we see the conflicts around the world and the potential conflicts—and it is clear the world is not a safe place from which we can retreat.

So I hope we will look at this drawing down of our strength. From Desert Storm levels, we will be down half a million in troop strength, from roughly 2 million, drawing down under this budget request of the President to 1.4

million. I do not think that is responsible. In fact, at a time when the Army had its worst recruiting year since 1979, I do not think it would be prudent to put more responsibility on the thinning ranks of our troops who are leaving our armed services because of the overseas deployments. So, I am going to stand for the strength of our national defense, for that priority in our spending. I want to keep the other side, the increase in bureaucracy down, so our national defense stays up and so we can return to the taxpayers the hard-earned tax dollars that they deserve; and that we start paying down the debt. That would be my approach and I hope that is what Congress will do in the budget deliberations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I understand the Presiding Officer, the Senator from Wyoming, is our next presenter, and will soon be approaching his desk.

I yield up to 7 minutes to the Senator to make his presentation on the budget. Madam President.

The PRESIDING OFFICER (Mrs. HUTCHISON). I recognize the Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator from Georgia for arranging for our discussion this morning. It seems to me it is one of the most basic discussions that we will have during the year. Budgets, after all, are sort of a map as to where we go. They are without great detail, but sort of limit where we are going. They have to do with the revenue that we anticipate raising. They have to do with the expenditures, and generally where those expenditures will be. So, in terms of direction, in terms of what we really expect the Federal Government to do, the budget is extremely important.

Let me mention that the budget basically is done by the Congress. The President has been very outgoing in claiming credit for all the things that have happened over the last few years, but the fact is the Congress is responsible for the spending. No spending can occur unless the Congress agrees to it. No spending can be made in the Federal establishment unless approved by the Congress. So the responsibility is here, and I guess also you could say if there is any credit for having done some downsizing over the past few years, it also goes here.

But I wanted to talk about something just a little bit different and that is, frankly, my disappointment in the approach that is taken in this case, and other cases as well; I am disappointed that when we have something to decide in our Government, all of our Government, that we are not more willing to lay things out as they are. I am, frankly, a little exasperated with all the spinning that goes on from almost everyone here, but frankly particularly from this administration, in sort of trying to say that things aren't really

what they are. That is so discouraging, especially when we are in a time when there is greater communication availability to all the world, and certainly to the American people, than there ever has been. So that if you ever thought of having Government of the people, for Heaven's sake, now we can do that because everyone can know what the facts are. They are there automatically.

Yet, as we go through these things, it is really difficult to understand what is being done because they are described one way at the White House, you know, as if this is a wonderful breakthrough and we are going to contain the size of the Government; that this is the end of the era of big Government. But the fact is, it is not. It is a growth. It is larger Government. It is more taxing. But it is hard to kind of decipher these things.

Let me read some material from James Miller, who was the OMB head in the Reagan years. He is talking about the things that have been said, and what he thinks, at least, the real facts are. Miller says we have, in "... the president's words, 'the smallest government in 35 years[.]'" And yet, in 1963, "at the height of Camelot," he calls it, "total federal spending (in 1997 dollars)—1997 dollars, adjusted for that—was \$580 billion, with 48 percent going for defense. For 1998 the federal government will spend \$1.625 billion, of which 16 percent is for defense. And the President says 'the smallest Government in 35 years.'"

You know, that just is not the way it is. Now we are spending 15 percent for defense, as the Senator from Texas just described. Federal spending per capita was \$3,069 in 1997 dollars in 1963. It is, today, \$6,000. Spending per capita has doubled. The President says we have "the smallest Government in 35 years." The comparison is even more telling when you include State and local governments—\$4,100 per capita in 1963; \$9,500 per capita now.

You know, it is really discouraging to try to deal and get people involved in making decisions as to what they think is best for this country when the facts are so distorted. There is nothing wrong with having it laid out there in real terms. This is a legitimate decision. There are those who want more Government and more taxes and more expenditures. That is a legitimate point of view. I don't happen to share it. That is the liberal agenda. That is what we debate all the time. The other alternative, of course, is to have less taxes, less spending, a less large Federal Government and move, more and more governmental functions closer to people. Those are legitimate debates. Why it is, frankly, that we tend to hide those all the time under rhetoric I am not certain.

Let me give you another example. The President says, "Under the leadership of Vice President GORE we have reduced the Federal payroll by 300,000 workers." According to the U.S. Office

of Personnel Management, between January 1993 and September 1997, Federal civil employment fell by 254,000; 217,000 of that was attributable to defense, the closing of bases, civilian workers in defense; 17,000 came from downsizing the Department of Veterans Affairs; and 14,000 more from completing the work on S&L's. This is not a reduction in the size of Government. But, you know, we are told that.

So, Madam President, I am hopeful, too, we can hold the caps we agreed upon last year, that the President agreed upon. I hope we can continue to move towards making the Government smaller and more efficient. I hope we do not continue to grow and to bring in new fees that we don't recognize as taxes, although they are. So we have a great opportunity. All I ask is let us get it out there, debate it on the face of the real facts and not disguise it, trying to act as if it is something that it is really not.

Madam President, I yield now to the Senator from Kansas to complete our discussion for this morning.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I appreciate the recognition and the statement of the Senator from Wyoming, with which I associate myself.

I rise to make a few remarks on the President's \$1.7 trillion budget proposal. Most people can't even recognize exactly what \$1.7 trillion is, as a size, a quantity of money.

I believe one of the biggest challenges facing this second session of the 105th Congress is to maintain the fiscal discipline that we exercised during consideration of the historic bipartisan budget agreement. Unfortunately, after reviewing the budget it appears that the administration wants to walk away from that challenge, and that is truly regrettable for Americans today, for Americans born in the future, and certainly for the baby boomers soon to be retiring—in less than 15 years.

In this budget the President pretends to be fiscally responsible while at the same time calling for massive new spending programs, new programs in many areas that he says were directed towards helping families. But if the President really wants to help families, why doesn't he propose ending the marriage penalty that penalizes people for being married? Why doesn't he ask for marginal tax rate reduction? But, instead, it's just proposing more of the same tax-and-spend policies that have given us the era of big Government, which was supposedly over. It appears as if the era of big Government is back with a vengeance.

In contrast to the President, I believe that we must hold the line on the size of the Government and reject attempts by this administration to bolster spending in violation of our bipartisan budget agreement. Remember, this bipartisan budget agreement was not just the product of last year. It was something we have been struggling for

3 years, to get an agreement on the budget. For 3 years we have been fighting about how can we restrain Federal spending, get it in line with receipts so we could get to a balanced budget agreement. We have been struggling for 3 years on that, yet now, less than 7 months after the agreement, the President is walking away. This is in gross violation of this agreement. We cannot let the administration mortgage away our children's future in order to help satisfy this insatiable appetite for big Government spending. We must be able to deal with these problems within the framework that we have already agreed to.

I just want to point out a few things, and I know some people have already done this but in case we get carried away with the idea that now we have these surpluses and everything is rosy, we can spend to our heart's content, I don't know how many people realize, I hope most do, that once we get to a balanced budget it has nothing to do with the mortgage we already have on the country, which is \$5.4 trillion, over \$20,000 per American. It has nothing to do with the unfunded obligations that we are on the hook for when the baby boomers and others start retiring, that extend to about \$14 trillion in addition to the \$5.4 trillion.

Here we are talking about being responsible for Medicare payments for when the baby boomers start retiring. We are talking about other entitlement programs that people have paid into, that there is an obligation by the Government, but we do not have funds set aside to take care of these obligations.

So you are looking at taxing future generations more and more and more to be able to meet those obligations at a time when, if we would exercise a minimum amount of fiscal discipline, just do the budget agreement we have already agreed to, we can start to deal with some of these unfunded obligations.

In case people think this is a long way off in the future, the baby boomers start retiring in less than 15 years, and they are going to be, instead of pulling the wagon, in the wagon saying, "You obligated yourself, I paid into these funds, now I am calling on these."

The percentage of the Federal Government, as a percentage of the overall economy, is at historically high levels, nearly 20 percent of the economy. If the President wants all these new spending programs, why doesn't he propose equal cuts to other Government programs? Does anybody in this body allege that we don't have significant amounts of Government waste in spending? Let's cut those programs if he wants the new spending programs, rather than adding more and more taxes and fees and burdens on the American public. That would be the way to deal with this, is to try to get at some of the wasteful spending programs that we already have.

I look forward to working with the administration on this budget, but we

cannot break this hard-fought bipartisan budget agreement on the altar of just more and more taxing and spending that keeps driving up the cost of Government, keeps taking more and more from taxpayers, keeps making it harder and harder for the average family to make a living and to be able to support their own children like they would like to do.

So I have great disappointment with what the administration has put forward in growing and in getting back to the era of bigger Government. I am afraid we are just going to have to push to maintain what our agreement was this past year. I think it is regretful that we are at that point. Madam President, it seems as if we are. Thank you very much. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

EXECUTIVE SESSION

NOMINATIONS OF CARLOS R. MORENO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA AND CHRISTINE O. C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider two nominations which the clerk will report.

The assistant legislative clerk read the nominations of Carlos R. Moreno, of California, to be United States District Judge for the Central District of California and Christine O. C. Miller, of the District of Columbia, to be a judge of the United States Court of Federal Claims.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I rise today to support the nominations of Carlos Moreno to the Federal district bench in the Central District of California and Christine O. Miller to the Court of Federal Claims.

I plan to discuss in greater detail why I intend to support these judges' nominations, but first I would like to address some of the concerns that have been expressed with respect to the Senate's role in the confirmation of Federal judges.

As chairman of the Senate Judiciary Committee, one of the most important duties I hold or fulfill is in screening judicial nominees. Indeed, the Constitution itself obligates the Senate to provide the President with advice concerning his nominees and to consent to their ultimate confirmation. Although

some have complained about the pace at which the Senate has moved on judicial nominees, I would note that this body has undertaken its constitutional obligation in a wholly appropriate fashion.

Indeed, the first matter to come before the Senate this session was confirmation of three of President Clinton's judicial nominees. Senator LOTT is to be commended for giving these nominees early attention. As well, the Judiciary Committee has announced judicial confirmation hearings for February 4 and February 25.

In 1997, the first session of the 105th Congress, the Senate confirmed 36 judges. This is only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And I would note the Judiciary Committee itself processed 47 nominees, including the two judges we are considering today.

Currently, there are 88 judicial vacancies in the judiciary, 85 if the three nominees confirmed last week are included. In May 1992, however, when a Republican occupied the White House and the Democrats controlled the Senate, there were 117 vacancies on the Federal bench.

In fact, there are more sitting Federal judges today than there were through virtually all of the Reagan and Bush administrations. As of today, there are 756 active Federal judges. In addition, there are 432 senior judges who must, by law, hear cases, albeit with a reduced load. Ordinarily, when a judge decides to leave the bench, he or she does not completely retire, but instead takes senior status. A judge who takes senior status, as opposed to a judge who completely retires, must hear a certain number of cases each year. Thus, when a judge leaves the bench, he or she does not stop working altogether, he or she merely takes a somewhat reduced caseload.

Even in the ninth circuit, which has 10 vacancies, only one judge has actually stopped hearing cases. The others have all taken senior status and are still hearing cases. The total pool of Federal judges available to hear cases is 1,188, a record number of Federal judges.

The Republican Senate has confirmed the vast majority of President Clinton's judicial nominees, and if the President continues to send us qualified nominees, I am sure that trend will continue. Let me say, however, that I will not vote to confirm judges who refuse to abide by the rule of law. In my view, that is the absolute minimal qualification an individual must have to serve as one of our lifetime-appointed Federal judges.

Last year, I sought to steer the confirmation process in a way that kept it a fair and principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial nominees. It is in this spirit of fairness that I will vote to confirm Judge Miller and Judge Moreno.

Judge Moreno is currently a Los Angeles superior court judge. He was appointed to that position in 1993 by Governor Wilson. Prior to his current appointment, Judge Moreno served as a municipal court judge, worked as an associate in the L.A. firm of Kelley, Drye & Warren, and served as deputy city attorney in Los Angeles.

Judge Miller currently serves on the Court of Federal Claims. She was appointed to that position in 1983 by President Ronald Reagan. Judge Miller, before her judicial appointment, worked at the law firms of Shack & Kimball, and then Hogan & Hartson. She also had the honor, after graduating from the Utah College of Law, of clerking for the Honorable David Lewis, a Tenth Circuit Court of Appeals judge.

I think both these individuals will serve the Federal bench well and, therefore, urge my colleagues to support them. I also would like to submit for the RECORD an editorial written by our leader, Senator TRENT LOTT, which appeared on February 2 in the Washington Post, also a letter I wrote to the ABA discussing the Senate's work in confirming nominees. I ask unanimous consent that both those documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 2, 1998]

REHNQUIST'S RUSH TO JUDGMENT

(By Trent Lott)

Chief Justice Rehnquist's 1997 year-end report has drawn considerable press attention to the Senate's role in the confirmation and appointment of federal judges. Good. It's about time proper attention was given to these unique government officials, who are appointed for life, paid salaries that can run to nearly \$145,000 and are provided facilities and staff costing American taxpayers many millions of dollars annually.

And if the cost of these judgeships and the judiciary bureaucracy isn't enough to cause concern, consider the fact that many such lifetime-appointed judges actually attempt to make law from the bench. This is especially troubling when federal judges seek to impose taxes on the public or turn criminals loose on society.

The chief justice contends that federal judges are underpaid and overworked and that the "quality of justice" administered by the federal judiciary is in peril. He also attempts to make an argument for more judges based on statistics regarding, for example, the total caseload of all district and circuit courts and the number of judicial vacancies.

Interestingly, Rehnquist chooses to omit statistics that hurt his case. In his report, he notes that the "Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994."

True, the 17 judges confirmed in 1996 were certainly low as compared with most other years. But in 1989, the Democrat-controlled Senate confirmed 15 of President George Bush's nominees. Moreover, the chief justice's reference to 1994 and the confirmation of 101 judges that year is inappropriate, because the Democrats controlled the Senate and the presidency that year. Historically, the number and pace of confirmations lessen when one party holds the White House and the other the Senate. The large number of

vacancies on the bench in 1994 allowed Clinton to nominate many more judges than in an average year, which accounts for the large number of confirmations.

The chief justice also neglected to point out that Congress has authorized an additional 250 judgeships since 1978 (now totaling 849). Further, rather than retiring, many judges take "senior" status, in which they continue to be paid, have staff and decide cases. There are approximately 274 district and 82 circuit judges on "senior" status, contributing to the reduction of the workload of "active" judges.

Almost every year, Congress receives a request from the judiciary to add new judgeships to meet caseload increases. The Committee on Long Range Planning of the Judicial Conference projects that we will need 1,370 federal judges by the year 2000, 2,350 judges by 2010 and 4,110 by 2020. Clearly, the problems of caseload will have to be addressed over the coming years. But merely creating new judgeships will not provide solutions to such issues.

The chief justice also focused on the number of vacancies—83—in the district and circuit courts. This number pales in comparison with the 125 vacancies that occurred in 1993 during President Clinton's first year, when the Democrats controlled the Senate. The chief also failed to mention that President Clinton has not submitted nominees to the Senate for 41 of these vacancies.

Of the 13 nominees for circuit court judgeships, five were sent to the Senate less than 30 days from adjournment. Of the 28 district court nominees, three were sent to the Senate within 30 days of adjournment, another three within 45 days and one within 60 days of adjournment. Even the most partial observers of the confirmation process recognize that more than 60 days is required for investigation of a nominee's education, experience and potential judicial temperament.

As noted by the chief justice, the judiciary characterizes 26 of the current 83 vacancies that have existed for more than 18 months as "judicial emergencies." There appears to be no basis for this characterization other than the length of time the position has been vacant and the notion that every authorized position urgently needs to be filled. In fact, one vacant position in the 4th Circuit, authorized in 1990, has never been filled, and President Clinton has not nominated anyone to it. By the same token, he submitted nominees just last year for two Texas district court positions vacant since being authorized in 1990.

Clearly, the president did not view vacancies in any of those positions as "emergencies." In all, of the 26 "emergencies," only 12 apparently are deemed important enough that the president has submitted nominations fill them.

The pace of confirmation hasn't changed much in the Senate since 1987. That was the year Democrats regained control of the Senate and slowed the process of confirming Reagan nominees. District court confirmations averaged 129 days and circuit court confirmations 113 days in 1987. This pace continued during the Bush administration, when Democrats controlled the Senate. The experience of the Robert Bork, Douglas Ginsberg and Clarence Thomas nominations to the Supreme Court did much to further politicize an already labor-intensive and time-consuming review process.

The pace quickened in 1993 and '94, when President Clinton's district court nominees were confirmed on average within 74 days of referral to the Democrat-controlled Senate. The pace naturally slowed again when Republicans regained control of the Senate.

The chief justice's dismal assessment of the judiciary is not warranted. Congress will

continue to closely monitor the needs of the judiciary to fulfill its function as a separate and equal branch of government. As a part of this process, Congress will create and maintain such judgeships as are necessary to empower the judiciary to accomplish the fair and equal application of justice through the interpretation and application of our laws.

U.S. SENATE,

COMMITTEE ON THE JUDICIARY,

Washington, DC, February 3, 1998.

Mr. JEROME SHESTACK,

President, American Bar Association, Philadelphia, PA.

DEAR PRESIDENT SHESTACK: I am sorry that I could not attend the American Bar Association's annual convention this year, as I am at the World Economic Summit. I understand, however, that Senator Patrick Leahy ably represents the Judiciary Committee. Nevertheless, I thought it prudent to make you aware of my views regarding the so-called judicial vacancies issue, in which, I am sure, the ABA has great interest.

As you are doubtless aware, Chief Justice William Rehnquist recently released his annual report on the federal judiciary. In that report, he noted, among other things, the need expeditiously to fill vacancies on the federal bench. The Chief Justice's comments were very similar to those made over the years, including 1992, when he urged the Senate to confirm more of President Bush's judicial nominees. Interestingly, 117 vacancies existed May 1992, compared with the 88 we have today.

In 1997, the Senate confirmed 36 judges, only slightly behind the historical average of 41 judges confirmed during the first sessions in each of the last five Congresses. And the Judiciary Committee itself processed 47 nominees during the past session. There are currently more sitting judges than there were throughout virtually all the Reagan and Bush administrations. As of today, there are approximately 756 active federal judges. In addition, there are 432 senior judges who must continue to hear cases, albeit with a reduced workload. That brings the total pool of federal judges available to hear cases up to 1,188.

Despite claims to the contrary, the Senate has confirmed the vast majority of President Clinton's nominees, and I am confident that we will continue on a steady course this session. I am basically pleased with the pace at which the Judiciary Committee and the Senate have acted on the President's nominees. Indeed, one of the Senate's first items of business this session was to confirm three judicial nominees, including Ann Aiken, a controversial nominee whom I supported. We can, of course, always improve. I am hoping that the Committee will establish a good working relationship with the White House in this new year.

Such a relationship, however, does not mean that the President has carte blanche to appoint judges. The Constitution obligates the Senate to give advice to the President on his nominees and ultimately to consent to them. Under my stewardship, the Judiciary Committee will not simply push nominees through just for the sake of filling vacancies. Only recently, after the Judiciary Committee had expeditiously reviewed and held hearings on two nominees, did information surface that caused one of those nominees to withdraw and that places the other's confirmation prospects in question. If the Committee were blindly to follow some sort of a timetable in processing nominees, the federal bench would have been adversely affected. Indeed, such a specific timetable could encourage nominees to withhold relevant information from the Committee in

the hope of forcing a vote. There is a good deal of background research that must be done by the Committee before it can send a nominee to the floor. If the Committee fails to do its groundwork, it fails the Senate, and thus prevents that body from fulfilling its constitutional duty. I do not hold the President to any sort of a timetable in selecting nominees; nor would I expect others to place such burdens upon the Senate.

I would further note that the Chief Justice's report did not focus solely on judicial vacancies. In fact, the primary focus of his remarks was the increase in the federal judiciary's workload. The Chief Justice complimented Congress on its efforts to reform federal habeas corpus procedures and to streamline prison litigation suits—two measures that he indicated would be of great benefit to the judiciary. As I recall, these were legislative measures the ABA opposed. Nevertheless, I am hopeful that the ABA will be supportive of further efforts to improve the judicial process.

In a similar vein, the Chief Justice expressed concern about the expansion of federal jurisdiction. I hope in the coming months to review the current status of federal jurisdiction and to search for recommendations on how federal courts might be freed from hearing cases more properly brought in state courts. I think we must be vigilant in searching for ways to utilize properly the federal courts' limited resources.

Last year, I sought to steer the confirmation process in a way that kept it a fair and principled one, and exercised what I felt was the appropriate degree of deference to the President's judicial nominees. Yet, the solution to an increased judicial workload should not be simply to add more judges or for the Senate to be held to some sort of a confirmation timetable. I am confident that the Committee will stay the course and continue to exercise its constitutional duty in an appropriate manner. Thank you for considering my views.

Sincerely,

ORRIN G. HATCH,
Chairman.

Mr. HATCH. I thank the Chair, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am glad to be here with my good friend from Utah and welcome him back from a productive weekend.

Last week, I commended the chairman of the Judiciary Committee for scheduling the judicial confirmation hearing, the first of this year, for tomorrow afternoon, and I commend the chairman again. I note that he is following through on his earlier statement by including both Margaret McKeown of Washington State and Susan Oki Mollway of Hawaii at that hearing. They have each been pending for over 18 months, and it will be good to have their confirmation hearing.

I hope we will maintain pace this year that was established during the last 9 weeks of the last session. In order to do that, I hope that in addition to these nominees we can proceed to confirm additional nominees for article III judicial vacancies before the end of the week.

I am delighted the Senate is getting the opportunity to consider the nomi-

nation of Judge Carlos Moreno to the United States District Court for the Central District of California. He has been strongly supported by both Senators FEINSTEIN and BOXER. They have both spoken to me about him and strongly support him.

I have spoken often about the District Court of the Central District of California, its workload and the need to confirm qualified nominees for the judicial vacancies that persist and are arising on that Court. I have spoken most often about that Court in connection with the longstanding nomination of Margaret Morrow. It is my expectation that the Senate will fulfill the commitment it made last year and proceed to that nomination by the end of next week.

Judge Moreno received his undergraduate education at Yale College and his law degree from Stanford Law School. He was a deputy city attorney in Los Angeles, as well as a municipal court judge before joining the Los Angeles Superior Court in 1993. Judge Moreno is currently serving the people of California as a Judge of the California Superior Court. He received high remarks from the American Bar Association and was reported by the Judiciary Committee on November 13, 1997, unanimously. I thank both the majority leader and my good friend from Utah for bringing him up this morning.

Along with Judge Moreno currently pending on the Senate calendar are Ms. Morrow, two nominees for long-vacant judgeships in Illinois and a Pennsylvania State court judge. I hope that we have a strong bipartisan vote in his favor.

I also expect that today the Senate will confirm the President's judgment in nominating and reappointing Judge Christine Miller to the Court of Claims. The President's nomination of Judge Miller was received last year before her first term expired, but the Senate failed to act on it before adjournment last fall.

The President used his recess appointment power to reappoint Judge Miller and resubmitted her nomination. Today the Senate will reaffirm the President's action and confirm her to a full term.

The Court of Claims is an important court. It is established by Congress under article I of the Constitution. No less than the Federal judiciary that is appointed to fill vacancies in the article III courts that we speak about so often, the vacancies on the Court of Claims should be filled and filled without delay.

Madam President, I hope that the distinguished Senator from Utah and I will be allowed by our caucuses to move forward on judges as quickly as possible. I know there is support in mine to do that.

Madam President, I see the distinguished Senator from California on the floor and yield to her.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I thank the ranking member, and I thank the Presiding Officer. I also would like to begin by thanking the distinguished chairman of the Judiciary Committee for what was, by and large, a rapid and prompt processing of Carlos Moreno. I submitted the name of Carlos Moreno to the President for appointment to the District Court from the Central District of California. In a sense, Madam President, I believe he is prototypical of really what a good Federal judge should bring to that office. I would like to just quickly go over what is an amazing success story.

Judge Moreno was born in East L.A., just 2 miles from the Federal courthouse where he will be serving. He has earned the respect and admiration of both the legal and the law community, and he has had 13 years of service on the State courts. He has strong bipartisan support, including the endorsements of the former Governor George Deukmejian and Los Angeles County Sheriff Sherman Block.

As the chairman of the committee pointed out, he obtained his bachelor's degree from Yale in 1970 and his J.D. from Stanford in 1975. He began his legal career in the City Attorney's Office of Los Angeles where he worked for 4 years, from 1975 to 1979.

He prosecuted numerous jury trials, misdemeanor prosecutions, and criminal and civil consumer protection cases. He worked as a litigation attorney for 7 years, handling commercial litigation in State and Federal courts. So he has experience in both the civil as well as the criminal law. His caseload there included bankruptcy, wrongful termination, banking, real estate, and antitrust.

In 1986 the Governor of California, George Deukmejian, appointed him to the municipal court. He served there for 7 years, handling 40 civil jury trials in addition to a regular criminal trial workload.

In 1993, Governor Wilson elevated him to the California Superior Court where he served for the past 4 years. He averaged approximately 2 dozen jury trials a year, at least a third of which have been homicides. The remainder have consisted of a broad range of felonies and he has presided over about a dozen bench trials per year.

So, 13 years as a municipal and superior court judge. This year he was selected as the superior court judge of the year by the criminal law section of the Los Angeles County Bar Association and was described as one who earns praise from both prosecutors and defense attorneys for his fair, even-tempered handling of a high-volume calendar of criminal cases. The large number of court trials he handles in which both sides, both sides, waive the jury and try the case before him is an indicator, I believe, of the trust he has received from opposing counsels.

Madam President, I ask unanimous consent to have printed in the RECORD letters of support by George

Deukmejian, former Governor; a letter from the District Attorney of Los Angeles County; and a letter from the Sheriff of Los Angeles County.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOS ANGELES, CA,
October 6, 1997.

Re Judge Carlos R. Moreno.

Hon. ORRIN HATCH,
Chairman, Committee on Judiciary, U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: It has come to my attention that Judge Carlos Moreno has been nominated for an appointment to the U.S. District Court, Central District of California.

In 1986, it was my pleasure to appoint him to the Compton Municipal Court and in 1993 he was appointed by Governor Pete Wilson to the Los Angeles Superior Court.

It is my understanding that he has performed in an exemplary manner as a Municipal and Superior Court Judge and has a clear perception of the importance of maintaining a judicial system that insures fairness and social order.

Judge Moreno is well suited for this position. I am confident that he has the appropriate judicial skills and in light of his qualifications, I hope you will give him every consideration for appointment to the U.S. District Court.

Most cordially,

GEORGE DEUKMEJIAN,
35th Governor of California.

LOS ANGELES COUNTY
DISTRICT ATTORNEY,
Los Angeles, CA, May 2, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senator, San Francisco, CA.

DEAR DIANNE: Superior Court Judge Carlos R. Moreno has informed me that he is seeking an appointment to the U.S. District Court for the Central District of California, and I am writing to strongly recommend his nomination and confirmation.

Although Judge Moreno is not a personal acquaintance of mine, I have had the opportunity to personally interview him and to speak with several of my colleagues who have appeared before him on many occasions. All of the persons I contacted were effusive in their praise of the professional attributes that Judge Moreno brings to the bench as a Superior Court trial judge: he is fair, bright, willing to read with care the lawyers' written motions, control his courtroom, and give both sides fair hearings in his court. In addition, he apparently relishes legal research and thoroughly familiarizes himself with the issues of a case before he gives a decision—a quality which would serve him well on the Federal bench.

I do not make recommendations on behalf of those seeking appointments lightly, and in fact, I turn down most requests. However, the level of support and enthusiasm expressed by my colleagues on behalf of Judge Moreno prompted me to agree to interview him, and I found him during the interview to have the personal attributes that I had been told he displays on a daily basis in his court. I am confident Carlos Moreno would serve as a District Court judge with distinction, and I believe his appointment would be beneficial to the citizens of California.

Very truly yours,

GIL GARCETTI,
District Attorney.

COUNTY OF LOS ANGELES,
Monterey Park, CA, April 23, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
San Francisco, CA.

DEAR DIANNE: It has come to my attention that Los Angeles County Superior Court Judge Carlos R. Moreno has indicated his desire to be appointed a United States District Court Judge for the Central District of California. I am pleased and honored to give him my personal endorsement.

Judge Moreno has an extensive criminal justice background. He has been a Judge of the Superior Court of Los Angeles County since November of 1993. Prior to that, Judge Moreno was a City Attorney with the City of Los Angeles from 1975 to 1979 where he handled criminal and civil consumer protection prosecutions and legislative and politically sensitive matters. He was a member of the law firm of Kelley, Drye & Warren from 1979 to 1986, and in October 1986 Judge Moreno was elected Judge of the Municipal Court. He held that seat until his appointment to the Superior Court in 1993. Throughout his tenure on the bench, he has continually demonstrated the prerequisite abilities necessary to be a fair, impartial, and knowledgeable jurist.

Judge Moreno is an extremely hard working individual of impeccable character and integrity. His list of credits, both professionally and within the community, is extensive.

I would like to recommend that you favorably consider his appointment. I have no doubt that he would be a distinguished addition to the United States District Court.

Sincerely,

SHERMAN BLOCK,
Sheriff.

Mrs. FEINSTEIN. Madam President, to sum it up, I believe we have a man among men, a fine jurist, a fine attorney, skilled and knowledgeable in both criminal and civil law. This is the reason I respectfully submit him as someone who is really prototypical of the kind and type of background that one might bring to the Federal district court.

I thank the ranking member and I thank the chairman for the rapid processing of this distinguished nominee.

I yield the floor.

Mr. KENNEDY. Madam President, I strongly support the nominations of Carlos Moreno and Christine Miller to serve as federal judges.

Judge Moreno is superbly qualified to serve as a federal judge in the Central District of California. He is a graduate of Yale University, Harvard Business School, and Stanford Law School. Currently, he is a judge on the Los Angeles Superior Court. As a member of that court's Trial Delay Reduction Committee he was instrumental in establishing and enforcing policies that successfully reduced trial backlogs in Los Angeles County. At a time when lengthy backlogs are also plaguing the federal courts, Judge Moreno's experience will be an important asset for California's Central District Court.

Judge Miller is also well qualified to continue her service on the United States Court of Federal Claims. She has served on that court for the past fifteen years, and President Clinton's nomination of her for a second fifteen-

year term is a tribute to her ability and leadership.

I also want to take this opportunity to express my concern that the Senate has still not had a chance to vote on the nomination of Margaret Morrow to the federal district court for the Central District of California. Ms. Morrow was first nominated in May 1996. She was approved by the Judiciary Committee in June last year, and it is long past time for the Senate to vote on her nomination.

On average, it is taking twice as long for Senate Republicans to confirm President Clinton's nominees as it took for Democrats to act on President Bush's nominations. But I am especially concerned about the Republicans' record of subjecting women who are nominated for federal judgeships to far greater delays than men.

Women nominated to the federal courts are four times—four times—more likely than men to be held up by the Republican Senate for more than a year.

Last year, the Senate confirmed 30 men, but only 6 women. And, by confirming only 36 judges, the Senate condemned many of our nation's busiest courts to even lengthier delays in processing their civil cases.

There is no question that Margaret Morrow possesses the necessary qualifications to be confirmed. She is a Harvard-educated attorney and a partner in a prestigious California law firm. She is the first woman to serve as the president of the California Bar Association. She is a well-respected attorney and a role model for women in the legal profession.

Yet action on her nomination has been delayed—like nine other nominees who have been waiting for more than 18 months—because the Republicans are playing politics and preventing needed judicial positions from being filled.

When even a Republican Chief Justice criticizes the Republican Congress for refusing to move more quickly to confirm judges, you know something's wrong. The Chief Justice is deeply concerned about the large number of judicial vacancies on the federal courts. There are too few judges to handle the workload.

The bottleneck in the Senate is jeopardizing the court system and undermining the quality of justice. Fewer than half of President Clinton's nominees have been confirmed.

We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. But give them a vote.

The distinguished majority leader has rightly noted that the process of confirming judges is time-consuming. The Senate should take care to ensure that only individuals acceptable to both the President and the Senate are confirmed. The President and the Senate do not always agree. But it should not take longer to consider women than it does to consider men.

Some Republicans claim they have slowed the confirmation process to protect the federal courts from "judicial activism." But this argument is a smokescreen. If President Clinton is actually nominating judicial activists, then why is it that these nominees are approved overwhelmingly when the Senate is finally allowed to vote on them? The closest vote that we have had on any nominee in this Congress was the 76 to 30 vote in favor of Ann Aiken last week.

The claim that Clinton judges are activist judges is a transparent ruse being used to slow down the confirmation process. The reason is obvious. The Republican majority in Congress is doing all it can to prevent a Democratic President from naming judges to the federal courts. The courts are suffering, and so is the nation.

In some areas of the country, people have to wait years to have their cases even heard in court. And then they have to wait years more for overburdened judges to find time to issue their decisions. Families, workers, small businesses, women and minorities have traditionally looked to the courts to resolve disputes. The lack of federal judges makes the swift resolution of their cases impossible.

The number of cases filed in the federal appeals courts has grown by 11 percent over the last six years. The average time between filing and disposition has also increased. Courts with long-standing vacancies are in even worse shape.

In California's Central District Court, the Court to which both Carlos Moreno and Margaret Morrow have been nominated, the caseload has grown by 15 percent since 1994. The time people have to wait for their civil cases to be resolved has increased by 11 percent. In that district, over 300 pending civil cases are more than three years old.

Across the country, real people are being hurt. In the Central District of Illinois, a disabled Vietnam veteran who was fired after enduring harassment from his co-workers has been waiting over three and a half years for a resolution to his case.

In the Southern District of Texas, 4,000 victims of a student loan fraud are waiting for the outcome of a class action suit that has been pending for almost eight years.

In the District Court of South Carolina, there is still no decision in a suit filed more than six years ago against the state's apportionment laws. The outcome of this case will affect hundreds of thousands of citizens. It goes to the heart of whether the basic constitutional principle of "one person, one vote" is being fairly applied. The last communication the lead plaintiff received from the Court was in June of last year.

In the Southern District of Florida, Julio Vasquez—a U.S. citizen migrant worker—broke his leg in 1989 in a boarding house provided by his em-

ployer. To this day, nearly nine years later, Mr. Vasquez has never received sufficient medical attention, and his injury affects his ability to work. He is still waiting for the judge's ruling in his case.

These are typical victims of the vacancy crisis in the federal courts. They are hard-working Americans injured on the job—citizens seeking to exercise their right to vote—students trying to get an education—disabled veterans searching for justice.

I commend my colleagues for bringing two distinguished nominees to a vote today. I hope with this new year we will see a new day in moving ahead to fill the vacancies in our courts and end these unconscionable delays.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, on these judges today, I learned long ago, and certainly have had it reiterated during my 23 years in the Senate, that it is not always wise to predict the outcome of votes. I have been surprised before both pleasantly and unpleasantly. I have been surprised at some I thought might pass and failed to pass, and other times have had a very pleasant surprise to find something did pass when I didn't expect it to.

I think it is safe to say—and I believe there will be bipartisan consensus on this—that these judges' nominations will pass overwhelmingly, which is usually what happens with a judgeship.

Starting this year we have proceeded on more judicial nominations in the first couple of weeks this session than we did over the course of the first months last year.

I hope that we have strong bipartisan votes on these judgeships today. It will signal that the Senate is moving forward and that we will make progress to help fill the vacancies that plague the Federal judiciary. Today, there are 86 vacancies on the Federal courts. After these favorable votes, we will have 54 nominees pending before the Senate in need of our prompt attention. I have spoken with President Clinton on a couple of occasions recently, urging the White House to move quickly in sending up further nominations, and they are. We saw that on the first day that we came back when a dozen new nominations came up. We have 55 nominees pending. Almost two-thirds of the current vacancies have nominees pending to fill them.

Now I think it is time to say that for whatever reasons—political, ideological or otherwise, for whatever reasons—the Senate went slowly last year on nominations. The distinguished chairman and I want to be allowed by

our respective caucuses to move forward, fulfilling our roles as chairman and ranking member of the Judiciary Committee, to move nominations forward.

I do not question the integrity of the chairman of the Judiciary Committee, who has worked very hard on this, and has on more than one occasion strongly supported somebody who would not have been his nominee had he been the one appointing; in the same way, I have strongly supported nominees of past Presidents who would not have been mine had I been the person making the nominations. But in both instances, the Senator from Utah and I looked at a man or a woman of high qualifications, of good legal background, perhaps of a different background than our own, but somebody who would serve the interests of justice well, and we have pushed forward for their confirmation.

I hope, so that the U.S. Senate does not send the wrong image to the Judiciary and to the American people, that we would be able to move forward in the way the Senator from Utah and I have preferred to work in the past and move these judges, vote them in or vote them down.

I am not suggesting to any Senator how he or she should vote. If they do not like a nominee, vote against that nominee. Give us a chance to vote on them, vote them up or vote them down, but keep the Federal Judiciary out of politics.

It is, after all, one of the linchpins of our democracy, this great democracy. We are the third most populous country in the world, the most powerful nation on Earth, the most powerful democracy history has ever known. We maintain that power as a democracy and not a totalitarian society. We maintain it largely because of the integrity and independence of our Federal Judiciary. They act as a break on a runaway Executive or a runaway Congress because what they hold is their great shield and great bulwark. The Constitution of the United States is something that stands above all of us, whether as Members of the Congress, the Executive Branch or the Judiciary itself.

We need their integrity and we need their independence. With it, we guarantee the diversity of thought and the diversity of action that protects our freedoms and our democracy—in this case, the greatest democracy on Earth.

Madam President, I yield the floor.

Mr. HATCH. Madam President, I ask for the yeas and nays on each of the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON NOMINATION OF CARLOS R. MORENO

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Carlos R. Moreno, of California, to be United States District Judge for the Central District of California.

The clerk will call the roll on the first nomination.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye".

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—96

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Allard	Frist	Mack
Ashcroft	Glenn	McCain
Baucus	Gorton	McConnell
Bennett	Graham	Mikulski
Bond	Gramm	Moseley-Braun
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Collins	Inouye	Sessions
Conrad	Jeffords	Shelby
Coverdell	Johnson	Smith (NH)
Craig	Kempthorne	Smith (OR)
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Landrieu	Thurmond
Durbin	Lautenberg	Torricelli
Enzi	Leahy	Warner
Faircloth	Levin	Wellstone
Feingold	Lieberman	Wyden

NOT VOTING—4

Biden	Coats
Bingaman	Moynihan

The nomination was confirmed.

VOTE ON THE NOMINATION OF JUDGE CHRISTINE O. C. MILLER

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine O. C. Miller, of the District of Columbia, to be a Judge of the United States Court of Federal Claims? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote aye.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 3 Ex.]

YEAS—96

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Allard	Frist	Mack
Ashcroft	Glenn	McCain
Baucus	Gorton	McConnell
Bennett	Graham	Mikulski
Bond	Gramm	Moseley-Braun
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Cochran	Inhofe	Sarbanes
Collins	Inouye	Sessions
Conrad	Jeffords	Shelby
Coverdell	Johnson	Smith (NH)
Craig	Kempthorne	Smith (OR)
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Landrieu	Thurmond
Durbin	Lautenberg	Torricelli
Enzi	Leahy	Warner
Faircloth	Levin	Wellstone
Feingold	Lieberman	Wyden

NOT VOTING—4

Biden	Coats
Bingaman	Moynihan

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. FAIRCLOTH). Under the previous order, the Senate will resume legislative session.

The Chair recognizes the distinguished Senator from Minnesota.

Mr. GRAMS. Mr. President, I request unanimous consent to be able to speak for up to 10 minutes as in morning business, and also immediately following that Senator HARKIN will be allowed to speak as in morning business for 5 minutes.

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

THE 16TH AMENDMENT: AN IGNOBLE ANNIVERSARY

Mr. GRAMS. Mr. President, 85 years ago today, the 16th Amendment to the United States Constitution was ratified, giving Congress the power to levy an income tax on the people. As we mark this occasion, I rise to call upon Congress to take immediate action to end the federal tax code as we know it, and end 85 years of ever-increasing hardship for America's taxpayers.

Let me focus on how we got here and why we need real tax reform.

Mr. President, this great Nation was born out of a revolt against the abusive taxing powers of its motherland. This tax revolt created a nation of individual liberty. In this land, a person owns himself, his labor, and the fruit of his labor. To protect individual liberty, our founders crafted Clause 4 of Article I, Section 9 of the U.S. Constitution, rejecting all direct income taxes that were not apportioned to each State by its population.

This clause, as originally adopted in the Constitution, clearly reflected the genius, wisdom, and experience of our founders—protecting individual liberty by limiting the Government's power to tax. For more than 100 years following the founding of this nation, the American people enjoyed tax freedom and did not pay any income taxes. Although an income tax was imposed as a temporary measure to finance the Civil War in 1862, it was repealed shortly after the war ended.

In the same period—during the last decade of the 18th, the entire 19th, and first decade of the 20th century—the Supreme Court also defended this freedom and held the income tax to be unconstitutional. However, under the direct influence of the rise of socialism in Europe at that time, on February 3rd, 1913, the 16th Amendment to the Constitution was ratified. The 16th Amendment says:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

Mr. President, in my view, nothing has been more damaging to America's families than the 16th Amendment. It opened a Pandora's box we have never since been able to contain. A few months after the Amendment was ratified, the Revenue Act of 1913 was enacted, imposing an individual income tax. The ratification of the 16th Amendment and enactment of the first tax code fundamentally eroded individual liberty and created the shadow of servitude that has darkened our Nation since.

Former IRS Commissioner T. Coleman Andrews said the 16th Amendment, in effect, repealed Article Four of the Bill of Rights. The 16th Amendment has empowered tax collectors to invade our citizen's homes, papers, and private affairs. Worse still, it is used for social engineering, redistributing private income, and promoting class warfare.

Initially, the income tax did not apply to individuals with taxable incomes less than \$3,000, which in today's dollars means that people with incomes of \$44,000 or lower would be exempted from paying tax. It only imposed a one-percent tax on the first \$20,000, which equals over \$300,000 in today's dollars. The highest tax rate was up to 7 percent for income above \$500,000, which equals over \$8 million today.

Less than one percent of all Americans paid any income tax in 1913. Only 5 percent of Americans paid any income tax as late as 1939, before World War II. Then came the New Deal, which tripled Government spending, producing a large Federal budget deficit.

It was the Second World War that gave the Government an excuse to enact the first mass income tax increase in U.S. history. The lowest tax rate rose from 4 percent on income over \$4,000 to 23 percent on income over \$2,000. Higher taxes were accompanied

by a withholding system that took money out of each worker's paycheck, rather than requiring them to pay their taxes in one lump-sum payment at the end of the year. After the war, tax rates and Federal revenue receded somewhat, but never returned to pre-war levels.

Today, the Federal tax burden is at an historic high. For the average worker, more than three hours of every eight-hour working day are dedicated just to paying taxes. The average American family spends more on taxes than it does on food, clothing, transportation, and housing combined. A typical median-income family can expect to pay nearly 40 percent of its income in Federal, State, and local taxes. This. In 1996, an average household with an annual income between \$22,500 and \$30,000 paid an average of \$9,000 for food, clothing, and housing and paid \$11,000 in total taxes.

Households with incomes ranging from \$45,000 to \$60,000 averaged \$16,000 for basic necessities, and paid the tax collector \$25,000. If the "hidden taxes" that result from the high cost of Government regulations are factored in, a family today gives up more than 50 percent of its annual income to the Government. The budget submitted yesterday by the President continues this pattern of growing Federal intrusion into the taxpayers' daily lives.

While I have always called for a smaller, more efficient Government, the President's budget endorses just the opposite. While I want to close down Government agencies that do not perform their duties, the President wants to give them more money. That includes the Department of Energy, a taxpayer-financed black hole for which the President wants to boost spending by another 8 percent next year.

Overall, it appears the President would increase Federal spending by \$135 billion and raise taxes and fees by \$115 billion to pay for all that new spending. And the President's scheme to help fund his laundry list of new initiatives by using \$65.5 billion in tobacco settlement proceeds is risky—if a settlement does not occur, then where do the dollars come from? Even higher taxes? I know some of my colleagues take offense when I use the phrase "Washington's big spenders." But I cannot think of any euphemism in which to couch what is happening here.

This is a budget cooked up by big spenders and served to a taxpaying public that did not order it and does not want it. But that has long been the pattern in Washington.

To make matters worse, as the tax burden has grown higher and more unfair, the government tax collector, the IRS, has turned into an arrogant, inefficient, cold-hearted, heavy-handed, intrusive, and abusive bureaucracy. We have heard many horror stories about how IRS agents routinely use their enormous coercive power to squeeze more money out of the taxpayer's

pockets to meet the demands of ever-increasing Government spending. Not only do people pay more taxes, but they spend more time and money calculating their tax burden. Our tax system has become extremely complicated and difficult to understand, even for IRS experts. Do you know the tax code was only 14 pages long when it was first enacted, but today it has grown to 10,000 pages, and on top of that, there are another 20 volumes of tax regulations, and thousands and thousands of pages of instructions and other guidance. The current tax code is anti-family and anti-economic growth. It destroys economic opportunity, hinders job creation, impedes productivity, and retards competitiveness. It has deepened despair and disaffection among the poor and disadvantaged. It encourages abuse, waste, and corruption.

Our Nation faces many great challenges in the 21st century. But without real change, the present tax system will fail to lead us there. We must fix the system. To correct the problem once and for all, Congress must pass new legislation to fundamentally reform our tax system and replace the ever-more-complicated tax code with one that is simpler, fairer, and more friendly to the taxpayers.

The American people deserve a new tax code that promotes harmony among people instead of promoting class warfare; a new tax code that encourages work and savings; a new code that rewards families and success rather than penalizing them; a new code that stimulates real economic growth and produces more jobs and higher tax revenue for the Government; a new tax code that allows people to keep more of their own money.

Congress should explore all possible solutions to achieve these objectives. The 85th anniversary of the 16th Amendment's ratification is an ignoble occasion. I urge my colleagues to reflect on this day and what it has come to mean to America's struggling taxpayers. And I urge them to join me in a pledge to the people that we will not let another anniversary come and go before we dedicate ourselves to ending the tax code as we know it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Iowa.

CASEY MARTIN

Mr. HARKIN. Mr. President, I will just take a few minutes to speak about an individual and a case that is now taking place in the State of Oregon. The individual I refer to is one Casey Martin, an outstanding golfer who just happens to have a disability. I am also referring to the PGA Tour's determination to exclude Casey from participating in a professional sport for which he is eminently well qualified and by which he has attempted to earn his living. The PGA Tour has said no, Casey can't play with the cart he needs to ac-

commodate his disability. The Tour wants to keep Casey out because of his disability and because of a certain rule and tradition.

Mr. President, Casey Martin has had the guts and the gumption not to back down, but to take on the PGA Tour.

Last week, Senator Dole and I held a press conference in Washington, DC, with Casey Martin to show our support for him and to state for the record that as two of the primary sponsors of the Americans with Disabilities Act, it certainly was our intention, and the legislative intent, to cover this type of a situation. We wanted to state for the record that the ADA did, in fact, apply to the Casey Martin situation.

Yesterday, Casey Martin's case started. His trial began in Oregon.

Casey Martin has a powerful story. He has worked, he has practiced, he has played, he has spent an enormous amount of time and energy—a lot of it painful—reaching the highest levels of one of America's most popular professional sports. It has been for him a very difficult road. Now Casey stands at a roadblock, much like the roadblock that millions of Americans with disabilities have confronted—Americans who each and every day only ask for reasonable accommodations and modifications that will allow them to live their lives and pursue their dreams just like everyone else.

We passed the Americans with Disabilities Act to give Casey Martin, and others with disabilities, an equal opportunity to fully participate in American life. That means in everything—employment, education, recreation, social activities and opportunities. I have often said that ADA really stands for the "American Dream for All." That is what it is all about, and that is what it is about in this case, too—will Casey Martin have the opportunity to pursue his American dream?

I would like to take a moment to compliment those who have already shown their support for Casey Martin. Particularly, I would like to congratulate Mr. Phil Knight and all of the folks at Nike. Their commercial that they are running now showcasing Casey Martin makes a very powerful statement about the ability of people who also happen to have disabilities.

I would also like to compliment the golfers, like Greg Norman and Tom Latham, two outstanding golfers, who have publicly stated their support for Casey Martin.

Mr. President, I am here to say that Casey Martin should have an opportunity to compete in the PGA Tour and to say that the ADA guarantees him that right. As Senator Dole said last week at our press conference, PGA does not stand for "please go away," and the PGA Tour shouldn't try to send Casey Martin away from a game for which he is otherwise well-qualified. Casey is someone who spent his entire life playing golf; he played in college, along with Tiger Woods, at Stanford in the NCAA; he is a golfer who, with his disability, recently won one of the tours,

a Nike tour in Lakeland, Florida. So this man is eminently well-qualified to play professional golf.

I am disappointed—I am sorely disappointed—in the PGA Tour's failure to reach an agreement with Casey, to come to some kind of an accommodation that would allow him to compete and earn his living being a professional golfer.

As I understand it, the sticking point here is the PGA Tour's tradition and rule of no carts. Well, Mr. President, I believe there are values to upholding traditions and rules, but there is no merit in rigidly standing on tradition simply because of outmoded assumptions.

Over the years, all kinds of traditions have scuttled the aspirations and limited the possibilities of millions of Americans with disabilities. People with disabilities just didn't do certain things. I always tell the story about my brother who I grew up with who had a disability. He became deaf at an early age. He was sent away to the Iowa School for the Deaf and Dumb—that is what it was called in those days, the School for the Deaf and Dumb. The Presiding Officer sitting in the Chair may be a few years younger than I am, but I remember when I was younger, that is what they called deaf people, they were deaf and dumb. As my brother said to me, "I may be deaf, but I am not dumb." So we have done away with that tradition. We don't refer to people as deaf and dumb, and we don't have deaf and dumb schools any longer either.

But when he went to that school, they told him he could be one of three things: He could be a baker, a shoe cobbler or a printer's assistant. That was it. There was nothing else he could do. "That is it, you can pick one of those three things."

He said, "I don't want to be any one of them."

They said, "Fine, you are going to be a baker then."

Tradition and rules had it that deaf people could only do certain things. That has all gone by the wayside. We see deaf Americans now doing everything. Why, we even have a person who is deaf who is the president of a college. So we have done away with a lot of these old traditions, and the ADA is helping to change the old traditions. It is asking us to rethink our assumptions about people with disabilities and what they can do. It is asking us to look at reasonable modifications that would permit them, as I said, to pursue their American dream.

The ADA is intended to include people in the mainstream of American life. It requires entities to make—and I quote from the law—"reasonable modifications" to "policies, practices and procedures" so long as those modifications do not create a "fundamental alteration" to the program or activity.

So, Mr. President, rules and traditions that create barriers for people with disabilities are rules and traditions that must be changed.

I am reminded of a recent incident here in the Senate, where we were asked to make a reasonable modification to a Senate policy. A staff person with a vision impairment was precluded from coming on to the Senate floor with her guide dog because we had a no-animals rule on the floor. Certainly, it sounded like a very reasonable rule and tradition. We don't want animals running all over the floor of the Senate. You don't want me bringing my pet dog on to the Senate floor. Well, that was a rule and tradition.

So we had a debate about whether we should change the rule to accommodate the needs of the staff person. We talked about the history, the traditions of the Senate. Ultimately, we did the right thing. We made a reasonable modification to that rule and that tradition so the staff person could do her job and bring her dog on to the Senate floor.

Allowing Casey Martin to use a golf cart is a reasonable modification under the Americans with Disabilities Act. The cart will help level the playing field a little on which Casey Martin competes without giving him an undo advantage. What we are talking about here goes to the heart of the principles and the foundation of the Americans with Disabilities Act.

The PGA Tour can say all they want, that a cart somehow alters the fundamental operation of the golf game. Yet, if that is so, then why do they allow carts to be used on the Senior Tour? Why do they allow carts to be used in the qualifying rounds for the younger people?

When the court enjoined the PGA Tour and said, yes, the Tour must allow Casey to use a cart, and he used a cart, the Tour said, "We will let everybody use carts." I am told that out of 168 golfers, only 15 decided to use a golf cart. I thought to myself, if a golf cart gives players that much of an advantage, why wouldn't everyone use them?

So I consulted some of my golfing friends. I am not a golfer, but I have friends who are avid golfers. One individual told me, "Well, there is nothing like walking a golf course, because when you walk, you feel the wind and you see how often it gusts and you know what direction it is blowing in. You get a feel for the lay of the fairway, and you can think about your next shot and what went wrong on the last one. You get in a golf cart and you lose all that feel."

I have tested this hypothesis with other golfers, and they say, "Yes, that is true."

Allowing Casey Martin to use a golf cart will not give him any advantage at all in the PGA Tour. In fact, it may very well present a disadvantage. So, again, I just think this is one of those old rules and traditions that needs a reasonable modification under the ADA so that Casey Martin can compete in professional golf.

Lastly, Mr. President, Casey Martin may not fit the stereotype of what the

PGA considers a competitive golfer, but millions of Americans who don't fit the typical image of a golfer have now taken up the game. It has moved from an exclusive sport played at private country clubs to an inclusive sport played by a cross-section of Americans.

When I was growing up in my State of Iowa, I bet I could count on one hand the number of golf courses in the State of Iowa, all at private country clubs, exclusively played by those people who belonged to those clubs. We have 99 counties in Iowa, Mr. President. I bet you every one has a golf course now. Some of them have more than one. Farmers out in the field get off the tractor and come in and play a game of golf. So it is no longer this sort of exclusive game it once was. Everyone is playing golf. Barriers to the sport have come down.

As I said earlier, barriers and traditions that prevent people with disabilities from fully participating are barriers and traditions that must come down. Holding up a barrier for Casey Martin sends exactly the wrong message not only to Americans with disabilities but to each and every one of us.

I am sorry that the PGA Tour saw fit to take this to court. They first tried to argue that they weren't even covered by the ADA, when the law was plain on its face they were covered. They went to court and, of course, the court threw that out and said, "Of course, you are covered." Now they are back in court again to drag this thing out.

I wish they hadn't done it, because that very action alone tends to create a chilling effect. A lot of Americans will say, "Well, I may have a disability, but if I want to do something and there is a rule or tradition against it, do you mean I have to go to court? Do you mean I have to hire lawyers? I have to go through all that just to get my rights?"

That is the message the PGA Tour, by going to court, is sending to Americans all over this country.

Mr. President, people with disabilities get up every morning, and they have a tough day ahead of them. They have to prepare for that day, many times with the aid of an assistant, perhaps they have to use a wheelchair or get in a special bus to go to work. It takes a lot of effort, a lot of time. They don't have the time and they don't want to go to court, but they want the Americans with Disabilities Act to work. People with disabilities want entities like the PGA Tour to use some common sense and some common decency to make reasonable modifications so that people like Casey Martin can pursue their American dreams.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 1:13 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FIRST).

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

WE CAN DO BETTER

Mr. WELLSTONE. Mr. President, I speak from the floor of the Senate as a Democrat but really to all of my colleagues, and to the President, as well.

I think that President Clinton's State of the Union Address was, indeed, an important step forward for our country in some of the initiatives that he outlined. When the President talked about education and talked about child care and talked about health care, I think what he said resonated with people throughout the country. I think it has a lot to do with the fact that people are less interested in denunciation and more interested in enunciation. They really want to know what it is we stand for and whether or not we are thinking seriously, all of us, even if we have disagreement on some of these issues, about where our country needs to be.

In that sense, what the President talked about was an important step forward. First, a response to what some of my colleagues had to say on the floor of the Senate, and then a response to some of the President's initiatives and to Democrats. On the Republican side, I think the argument that has been made, that I have heard colleagues make on the floor of Senate—and I summarize what any number of different Republican colleagues have said—in many ways amounts to the argument that when it comes to the most pressing issues of people's lives, there is nothing the Government really can or should do. This is not an appropriate role for the Government to play—to assure that there is affordable child care for working families, to assure that there is affordable health care, to invest in more teachers in our schools, reducing class size, and so forth. Quite frankly, that argument is a great argument for people who own their own large corporations or are wealthy, but it doesn't work for most of the people in the country. Most of the people in Minnesota and most of the people in the country are very focused, as I have said on the floor of Senate, as to how they can earn a decent living and how they can raise their children successfully.

The President's proposals speak to that, at least part of the way. But what concerns me about what the President said, and I give credit where credit is due, what concerns me about the way in which Democrats are speaking about these proposals, is I think that we can do much better. This is our oppor-

tunity. The business cycle is up. We all talk about economic performance. This is the time where we can really make some of these critical investments.

Mr. President, what I worry about is that we give the speeches, there is a lot of hype. We talk about the importance of early childhood development, we talk about the importance of education, we talk about health care, but we do not invest enough resources to put this on a scale where it is really going to make a significant difference. If we don't do that, if we have such a downsized politics and policy that we only reach a tiny fraction of those people that we are talking about, those children, those working families, then I think it invites mutiny because it becomes just symbolic politics.

Let me give a few examples. Mr. President, as far as I can determine when we talk about child care, without going into all the statistics, and we think about families with incomes of \$35,000 a year and under, we will probably reach, with the amount of resources the President has talked about investing in early childhood development, about 2 out of 10 children who could benefit—2 out of 10 children. If it is so compelling, and if the evidence is irreducible and irrefutable that we have to get it right for these children by age 3 otherwise many of them will never do well in school and will never be prepared for life, then why are we only investing in 2 out of 10 children?

After-school program. Again, an important initiative, but as I look at the number of children who could benefit from this, and I think about my travel in some of our inner-city communities and rural communities, much less the suburbs, we will be reaching, with the President's proposal, about 1 out of 10 young people or children that are eligible. If it is important to have good positive things going on for young people in our communities after school, why is it only important to reach 1 out of 10 young people or children that would be eligible?

Now I know what I am saying is counterintuitive because in a way I'm in the tiny minority on this, but I think we can do much better. I will introduce child care legislation and I will talk about 5 out of 10 children, that we can at least reach half the children that really deserve to have nurturing child care, that deserve to have the highest quality child care. Why are we only talking about affordable child care that is only affordable for about 20 percent of the families that need the assistance? Why are we not making sure that every child in the United States of America, when he or she goes to kindergarten, knows how to spell her name, knows the alphabet, knows colors, shapes and sizes? Why can't we make sure that we make the investment in the public sector, private sector and volunteers and communities, that every single child comes to kindergarten, ready to learn? The President's proposal is a step in the right di-

rection but we can do much better. We can do much better.

A second example, health care. Mr. President, I'm all for expanding Medicare, but the current proposal that the President has outlined makes it impossible for most citizens between the ages of 55 and 65 to be able to afford the premium. Most won't benefit. Second of all, I don't know why—I guess I speak more to Democrats, my party—why have we abandoned the idea of comprehensive health care reform, universal health care coverage? Why are we not talking about a strategy for our country whereby the next century, next millennium, each and every citizen will be able to benefit from dignified, humane, affordable health care? Why, Democrats, have we backed away from this?

I'm going to introduce legislation that will have a national progressive framework, a defined package of benefits. Remember, colleagues, remember what we talked about a few short years ago, that every citizen should have health care at least as good as what Senators and Representatives get? I believe that. I think all of us should believe that. It will also make sure that States agree that it will be affordable and it will also have strong consumer protection, but then it leaves it up to States as to how to get there. There will be Federal grants for each and every State that agrees to reach, within the next 5 years, universal coverage. Different states can do it different ways. We can decentralize it. But we ought not to give up on the goal of humane, affordable, dignified health care for each and every citizen in our country. The American people believe in that. It might be that the insurance industry, which has so much clout here, doesn't believe in it, but the majority of people in our country do, and Democrats and Republicans, we ought to be on their side. We ought to be on their side.

The third example, Mr. President, which is near and dear to my heart, call it counterintuitive politics because we don't talk about it very much but I think we should. I have traveled all across the country. I have had a chance to meet with a lot of people in poor communities. I want to raise the minimum wage. I think we should do that. It is a matter of elementary simple justice. I am proud to join Senator KENNEDY in this fight. We will raise the minimum wage 50 cents a year for the next 3 years and then index it. If people work full time 52 weeks a year 40 hours a week they ought not to be poor in America. If you had health care and child care, you really would be making a difference in terms of family income.

Mr. President, I also visited communities, be they rural or urban, where there are no jobs, even with the economy being where it is, even with official unemployment at record low levels. I go to inner-city Baltimore or inner-city Chicago or Minneapolis, I can go to Appalachia, rural Appalachia, I can go to rural Minnesota, and

in all too many cases the jobs are not there, or the jobs at decent wages are not there. Why don't we make a commitment to making sure that people find employment? That is dignity.

We have communities where there are compelling needs—there is elder care, there is child care, there is housing rehab, there is community crime prevention, there is teacher's assistance, there is environmental cleanup, all sorts of work to be done and people who can't find any jobs. I will introduce a bill that will provide people—we have now a 5 million job gap between people that want to work and jobs vacant—provide people with a transition whereby they have a job for a year at a decent wage with these benefits, and then can transition to private sector. We need to get more private capital in these communities. But when you have people in our rural areas, our ghettos and our barrios who have worked and worked on community-building jobs and have the dignity and build up some of the skills, then private sector gets more interested in these communities. But right now in a lot of communities in our country, people are crying out, where are the jobs?

Mr. President, we can do much better. We have to make these investments. I am saying to my colleagues today on the floor of the Senate that as we go into the next century there are some contradictions we cannot live with. There are some contradictions in this city, Washington, DC, right here in this city, and all across the country. We have to make sure that we are investing in communities. We have to make sure we are investing in children. We have to make sure we are investing in education, and not just in education for some children, not just affordable child care for some children, not just health care for some citizens. If we are going to argue that these are priorities, then we have to back the rhetoric with the resources. We have to make the investment.

Mr. President, I worry that at the very time where we have the best chance to make this investment—at a time of real optimism, at a time when I think people in the country feel good and know that we can do better, that justice, fairness, opportunity, building communities and building leadership are things that we can do—we are going to miss the opportunity by making speeches but not following up the speeches, by not really meaning what we say, and not really making the investment.

President Clinton, thank you for pinpointing some of these initiatives. Republican colleagues, maybe in areas like child care we can come together. I hope we can. But for the President and all my colleagues, we can't outline problems and say we are committed to making a huge difference and then not make the investment that is anywhere near the scale of what needs to be done to make a difference. We can do much better than what the President out-

lined in his address for children, we can do much better for education, we can do much better for health care, and we can do much better when it comes to tackling problems with race, gender, poverty, and children in America.

I appreciate what the President has outlined as a first step, but we ought to be doing much better here in the Senate and in the House of Representatives. We ought to be doing much better. This is our chance to make an enormous difference.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. HAGEL. Mr. President, I ask unanimous consent that there now be a period for morning business until 2:45 p.m., with Senators permitted to speak therein for up to 5 minutes each.

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

TRIBUTE TO COMMANDER RAY C. SIMMONS, U.S. NAVY

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Naval officer, Commander Ray C. Simmons, upon his retirement from the Navy after more than twenty years of commissioned service. Throughout his career, Commander Simmons has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Navy and the nation.

Commander Simmons entered the United States Naval Academy from the State of New Hampshire in 1973 and was commissioned as an Ensign upon graduation in 1977. Since then, Commander Simmons has spent his career patrolling the world's oceans as a Naval Flight Officer and oceanographer. Following flight training, he began his service in Patrol Squadron Four in Barbers Point, Hawaii, making three deployments to the western Pacific, Indian Ocean and Persian Gulf, including operations in support of the 1979-80 Iranian hostage crisis. In 1990, he joined the staffs of the United States Sixth Fleet and NATO Strike Force South, embarked on USS *Belknap*, homeported in Gaeta, Italy. During the Persian Gulf War, Commander Simmons, as Fleet oceanographer, served as a member of the TLAM cruise missile targeting team, planning strikes on Iraq from the eastern Mediterranean Sea. He also served as Flag Lieutenant and personal aide to the Sixth Fleet Commander.

When not at sea, Commander Simmons has likewise served with distinction on the staffs of Patrol Wing Two and the Chief of Naval Operations, in the Naval Western Oceanography Center and as Aide and acting Deputy Executive Assistant to the Vice Chairman of the Joint Chiefs of Staff. He served with the National Aeronautics and Space Administration (NASA) as the first Department of Defense liaison officer for joint NASA-Defense earth science applications programs. In 1995, he commanded the United States Naval Ice Center, with additional responsibility as Director of the joint Coast Guard, Navy and National Oceanographic and Atmospheric Administration United States National Ice Center, and served as the lead Department of Defense lead technical advisor to the Russia-United States Gore-Chernomyrdin Commission Environmental Working Group. Among Commander Simmons's many awards and decorations are the Defense Meritorious Service Medal, four Meritorious Service Medals, two Navy Expeditionary Medals and the Southwest Asia Service Medal. He is both a qualified Naval Flight Officer and Naval oceanographer.

During his more than twenty year career, Commander Simmons has served the United States Navy and the nation with excellence and distinction. He has been an integral member of, and contributed greatly to, the best-trained, best-equipped and best-prepared naval force in the history of the world. Commander Simmons's unflappable leadership, integrity, and limitless energy have had a profound and positive impact on the United States Navy and the nation.

Commander Simmons will retire from the United States Navy on March 1, 1998, after twenty years and nine months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Commander Simmons fair winds and following seas. Congratulations on completion of an outstanding and successful career.

RETIREMENT OF CAPTAIN JOHN LYNCH

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man a number of us, especially those who are members of the Armed Services Committee, have come to know over the past several years, Captain John Lynch who retired from the United States Navy during the Christmas Recess.

There are few careers more demanding or rewarding than those in our armed forces, and in, 1972, John Lynch joined the Navy. Despite Richard Nixon's overwhelming re-election to the Presidency, this was a tension charged era in our Nation, we were in the waning days of our involvement in Vietnam and most young people were seeking ways to avoid military service. Few people were actually entering the

armed services on their own volition, but John was an exception, and his spirit of patriotism and selflessness would serve him well throughout his career. In 1974, a young John Lynch donned cap and gown and accepted his bachelor's degree in Industrial Education and earned a commission as an Ensign. Leaving the comfortable and familiar campus of The College of New Jersey, he headed south to the hot, humid weather of the Florida panhandle and the vocal, uncompromising, and unforgiving Marine Corps Drill Instructors who put the aviation candidates through their paces and initiated them into the life of the military.

By the time then Ensign Lynch graduated from flight school, Vietnamization was fully in place and responsibility for prosecuting the war was squarely on the shoulders of the Republic of Vietnam. Though American military personnel were no longer involved in a "shooting war", the United States was certainly locked into a tense, dangerous, and sometimes deadly Cold War with communist nations. During this period in our history, the United States and, primarily, the former Soviet Union stared at each other over fortified borders, and tested each other's defenses and military capabilities. Certainly one key element in how this Cold War was prosecuted was anti-submarine warfare, where American and Soviet submariners shadowed and evaded each other and the ships and aircraft that tried to detect and monitor their activities. It was as a part of this nuclear weapons cat and mouse game that John Lynch cut his teeth as a young Naval officer and aviator, flying operations looking for Soviet submarines.

As many will remember, the Cold War would heat up from time to time, and there was a period in the 1980's when events in the Middle East forced the United States to use force to protect our citizens, interests, and security. Inflammatory and hateful rhetoric espoused by radical leaders, coupled with things such as the infamous "Line of Death", the bombing of the Marine Barracks in Beirut, and a campaign of terror directed at the United States and her allies that brought American military assets to bear in the Mediterranean, and John Lynch was among those deployed to that region. As a matter of fact, as the Officer in Charge of the Navy's first dual SH-60B helicopter detachment aboard the U.S.S. *Halyburton* as it conducted operations off the coast of Libya, John logged nine combat flights in support of the fleet. Those experiences demonstrated the competence, composure, and courage of John Lynch, the essential qualities of any successful leader, whether he or she be in the military, the government, or the private sector. They certainly benefitted him, and those who served under him in HSL-42, during Operation Desert Shield/Storm.

Of course, Captain Lynch's career was not all dangerous missions flown

in the cramped cockpit of Navy helicopters, throughout his 24-years in the service, he held a number of different assignments that promoted Naval rotor wing aviation, including at IBM; Naval Air Station North Island, San Diego; Naval Aide and Flag Secretary at Naval Air Station Jacksonville; and on the staff of the Chief of Naval Operations for Surface Warfare. He earned a Master's Degree from the University of Southern California while he was stationed in San Diego. He also participated in the LEGIS Fellows Program, serving as a Military Legislative Assistant to my friend, United States Representative Tillie Fowler.

It was during his almost three year tenure as Director of Senate Affairs in the Office of the Secretary of Defense that we came to know John Lynch. In that position, the Captain was responsible for being the liaison between the Department of Defense and all Senators and their staffers, though his primary interaction was with the members and staff of the Armed Services Committee. A gregarious and competent man, Captain Lynch was an excellent representative of the Secretary of Defense who rendered an important service, helped facilitate positive relations between the Pentagon and the Senate, and made certain that the positions of the Secretary of Defense and the Executive Branch were well represented. He was unquestionably professional and accommodating and he set an excellent example for all those who worked for him in the Office of Senate Affairs, as well as for his successor.

After more than 20 years in service to the Navy and the Nation, it must be difficult for Captain Lynch to begin a new career, but he can look back on his time as a Naval Officer and take great satisfaction and pride in a job well done. His efforts helped to assure that the United States and her citizens were well protected, and I know Captain Lynch must be proud that his eldest son, Shaun, has chosen to follow in his father's public spirited footsteps by attending the Naval Academy and serving the Nation. I wish John Lynch, his wife Linda, son Shaun, and daughters Laurne and Kelly health, happiness, and success in the years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 2, 1998, the Federal debt stood at \$5,483,592,532,096.82 (Five trillion, four hundred eighty-three billion, five hundred ninety-two million, five hundred thirty-two thousand, ninety-six dollars and eighty-two cents).

Five years ago, February 2, 1993, the Federal debt stood at \$4,177,801,000,000 (Four trillion, one hundred seventy-seven billion, eight hundred one million).

Ten years ago, February 2, 1988, the Federal debt stood at \$2,463,053,000,000 (Two trillion, four hundred sixty-three billion, fifty-three million).

Fifteen years ago, February 2, 1983, the Federal debt stood at \$1,200,725,000,000 (One trillion, two hundred billion, seven hundred twenty-five million).

Twenty-five years ago, February 2, 1973, the Federal debt stood at \$449,134,000,000 (Four hundred forty-nine billion, one hundred thirty-four million) which reflects a debt increase of over \$5 trillion—\$5,034,458,532,096.82 (Five trillion, thirty-four billion, four hundred fifty-eight million, five hundred thirty-two thousand, ninety-six dollars and eighty-two cents) during the past 25 years.

MARKING THE 65TH BIRTHDAY OF SENATOR PAUL SARBANES

Mr. BYRD. Mr. President, I would like today to pay tribute to one of my most esteemed colleagues on the occasion of his birthday. For, sixty-five years ago, in Salisbury, Maryland, two Greek immigrants named Spyros and Matina Sarbanes gave birth to a child, whom they named Paul. I, for one, have no doubt—although history does not provide confirmation of my conjecture—that within a few days, or perhaps weeks, of this event, young Paul had begun the earnest and impassioned learning that would distinguish him throughout his life.

This learning has paid dividends throughout the life and career of PAUL SARBANES. It won him a scholarship to Princeton—from where he graduated Phi Beta Kappa—and earned him a Rhodes Scholarship. Thence, he proceeded to Harvard Law School and a prestigious clerkship with a federal appellate court judge. After conquering such mountains early on, he might have been forgiven for resting on his laurels, but these early triumphs proved to be simply prologue to further achievements. Senator SARBANES' drive and his intelligence propelled him from a law firm to the Maryland House of Delegates, then on to the U.S. House, and, in 1976, to the U.S. Senate. How wonderfully appropriate that the year in which this country celebrated its bicentennial it should also witness, in the election of Senator SARBANES, confirmation of the basic American tenet that any man—even the child of immigrants—can rise to the highest levels in this country! And who better than Senator SARBANES to prove that the American meritocracy, which rewards extraordinary wisdom and diligence, endures?

For over two decades, I have been privileged to work alongside Senator SARBANES. I have learned in that time to put down whatever business I have before me and pay careful attention when this man speaks on the floor. For I know that whatever words issue forth from his mouth will be the result of careful consideration, intelligent analysis, and a nuanced balancing of the facts. These qualities distinguish Senator SARBANES' remarks, and they are the reason why this man epitomizes for

me the best that the legal profession has to offer. If every lawyer would only emulate the reasonableness and wisdom of Senator SARBANES, the country's legal profession would be held in much higher esteem than it is today!

Mr. President, I am sure I speak for all my colleagues when I wish my esteemed colleague Senator SARBANES the happiest of birthdays. The words of Senator SARBANES' classical forebear, Aristophanes, seem particularly appropriate today: "Blest the man who possesses a keen intelligent mind."

TRIBUTE TO THE NATIONAL CATTLEMEN'S ASSOCIATION'S 100 YEARS OF EXCELLENCE

Mr. CAMPBELL. Mr. President, I call upon my colleagues today to recognize an organization that has been very valuable not only to the hard working ranchers and farmers that I represent in Colorado, but to everyone in America whose livelihood depends upon the cattle industry.

Founded in 1898, the National Cattlemen's Beef Association is the marketing and trade association for America's one million cattle farmers and ranchers.

Small businesses, like cattle farms and ranches, are the heart of the American economy. The U.S. cattle industry is comprised of more than one million individual farms or ranches that provide our nation with a steady supply of safe, nutritious beef. Living on a small ranch in Ignacio, Colorado, I know the vast majority of U.S. cattlemen are family farmers and ranchers who are skilled stewards of their natural resources and trained caretakers of the animals under their care. Eighty percent of cattle businesses have been in the same family for more than 25 years and 10 percent for more than 100 years.

Cattle ranchers form the largest part of the U.S. food and fiber industry, which, in turn, is the largest segment of the U.S. economy—nearly 17.5 percent of the gross national product. Doing business in all 50 states, cattlemen contribute to thousands of rural economies and, directly and indirectly, add \$153 billion to the national economy. It is also important to recognize that the beef industry provides 1.6 million American jobs, and the U.S. annually produces nearly 25 percent of the world's beef supply with less than 10 percent of the world's cattle inventory.

In Denver, where the industry is commemorating 100 years of the cattlemen's association history, we have a unique opportunity for people all across America to join in celebrating the labor of generations of America's cattlemen and women.

Since this historic event is taking place in my home state of Colorado, I would like to take this time also to recognize the Colorado Cattlemen's Association, which is one of the nation's oldest cattlemen's associations, founded in 1867, even before Colorado became a state. I am proud to say that with

hard working grass-roots organizations like the National Cattlemen's Association and the Colorado Cattlemen's Association, issues that directly affect the West and across this country can be addressed in Washington with great success.

In 1996, I joined Senator DOMENICI on the Senate floor in support of the grazing reform bill in the 104th Congress. It was a moving sight to see so many cattlemen and women in the Senate gallery and the halls of Congress working with their senators to help ensure passage of this vital legislation. Currently, grazing legislation is pending in the Senate Energy and Natural Resources Committee on which I serve. With endorsements from strong grass-roots organizations like the National Cattlemen's Beef Association and the Colorado Cattlemen's Association, we will continue to fight to get this legislation enacted into law.

Once again I commend the National Cattlemen's Beef Association for 100 years of dedicated service to America's ranchers and farmers.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAMM. Mr. President, I ask unanimous consent to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

THE HIGHWAY BILL

Mr. GRAMM. Mr. President, as many of our colleagues are aware, there has been a problem in America since roughly 1990 in that we have collected taxes on gasoline. Those taxes, as anyone knows who has ever stood and read the gasoline pump as they are filling up their car or truck, are dedicated to building highways. But, yet, since 1990, over 25 cents out of every dollar we have collected in gasoline taxes has not gone to building highways. It has instead gone to fund general government.

This produces a real problem. If you read the sign on the gasoline pump, it basically gives you good news and bad news. The bad news is that about a third of the cost of a gallon of gasoline is taxes. The good news is that every penny you pay in gasoline taxes is supposed to go to build roads. The problem since roughly 1990 has been that the bad news is true and the good news is not true.

Senator BYRD, I, and others set about last year to try to correct this problem to basically try to bring honesty to Government by having a program that in reality conforms to what we tell the American people. And that program is

that if you collect money on gasoline taxes to spend on roads that you spend the money on roads and nothing else. We have done it in two parts. One part is complete.

I offered an amendment to last year's tax bill which was adopted in the Senate, adopted in the House, and became law when the President signed the tax bill into law. It took the 4.3 cents a gallon tax on gasoline that in 1993 the President had dedicated permanently to general revenues—the first time in American history that such a designation had ever occurred—and it put that gasoline tax back into the highway trust fund. You can imagine how surprised we were when the President's budget came out and not one penny of that gasoline tax is proposed to be spent on highways.

Senator BYRD, I, and others have put together an amendment which now has, I believe, 52 cosponsors. I want today to outline what the amendment does and what it does not do, what the result of adopting the amendment would do, and what it would not do. I also want to address two other issues that people have talked about as reasons of not being for the amendment.

First of all, our amendment is on an authorization bill. It basically would change the highway bill to assure that the 4.3-cents-a-gallon tax on gasoline would be authorized to be spent on highways. Our amendment does not, nor could it, change the spending caps in the budget. Nothing in our amendment would in any way change the total amount of funds that are currently available to be spent under the budget agreement which we adopted last year. In fact, our amendment specifically states that nothing in the amendment will bridge or break those caps. So we are not debating how much total money is going to be spent next year. That debate is going to occur in the budget and probably to some extent in the appropriations process and perhaps in the Finance Committee with taxes and user fees.

My position is longstanding, and I don't intend to change it under any circumstances. And that position is that we should not raise the spending caps; that we made an agreement last year with the President. We took that agreement to the American people. We made a promise. I think we ought to live up to that promise.

The Byrd-Gramm amendment simply allows highways to compete with every other use of money within the budget agreement. If we do not adopt the Byrd-Gramm amendment, it means that for the next 6 years we are going to be spending less than 75 cents out of every dollar collected in gasoline taxes on highways, and we are going to continue to perpetuate an untruth where people were told when they buy gasoline that the money is going to build highways when in reality over 25 cents out of every dollar is going to general government. If you believe that when we have a dedicated revenue source—a

“user fee,” as some call it—that we have an obligation, in fact, a moral obligation, to the American people to use the revenue for the purpose that it is collected for, then I believe that you should be for the Byrd-Gramm amendment.

We have, I believe now, 52 cosponsors. I don't have any doubt about the fact that if we voted on the Byrd-Gramm amendment today as an amendment to the highway bill it would be adopted and it would probably get 75 or 80 votes.

Here is the problem. Those who oppose the amendment would like to delay its consideration and consider it in the context of the budget. When we are considering the budget we are going to be considering many proposals to break the spending caps. And it is the hope of those who oppose the amendment to use that parliamentary position to try to convince people that rather than fulfilling the commitment we made to the American people about spending gasoline taxes on roads that we should not do that so we can raise spending in other areas.

In fact, the strategy is to commingle this effort to allow highways to compete in an effort to break the budget entirely. I didn't think that is where we ought to consider this amendment. This is not a budget amendment. Our amendment does not break the spending caps. All we do is authorize highways at a level that would allow the spending of every penny collected in the gasoline tax, or at least that new portion, 4.3 cents a gallon. It would then be up to the Appropriations Committee within their overall budget to decide how much to spend on highways.

Let me make it clear. I believe that under those circumstances we would be successful, and that we would provide the full level of funding. But in doing so we would do it within the spending caps.

A couple of additional points. Our highway bill will expire on May 1st. It would be my intention—and I believe it is the intention of Senator BYRD—that if that highway extension expires, we would want an opportunity as part of rewriting it to offer our amendment. In fact, we are preserving our right to offer our amendment, as obviously anyone can at any time to any bill. We don't want to do that. We want to have the opportunity to have the highway bill in front of us.

I hope my colleagues will join Senator BYRD and join me in urging our leadership on both sides of the aisle to come forward with the highway bill. I came over today because we are here at 3 o'clock with no business before the Senate. We could have already written the highway bill. It takes time to plan the building of roads and bridges. It takes time for States to set out their blueprint of what they are going to do. I am blessed in being with a Southern State that has a long construction cycle. But for people who live in States like North Dakota, they have a very

short construction cycle in terms of highway construction. And if the highway bill should expire, if they lose May, June, and July, they will end up not having a highway construction period this year.

So I believe that we need to get on with this bill. I think there is a solid consensus that says that within the spending caps we want to allow highways the right to compete for funds up to the amount of taxes that we collect on gasoline. If those of us who believe that the money should be spent on highways can't win that debate, then obviously we will not get the money.

But since the money was collected on gasoline taxes, people were told it was going to be used for highway construction, I believe that if we do authorize its expenditure we will be successful.

So I came over today to basically make two points. No. 1, nothing in the Byrd-Gramm amendment raises the spending caps. The amendment specifically states that the spending in the Byrd-Gramm amendment will be within the spending caps. We are going to debate spending caps and the total level of spending in the budget. The Byrd-Gramm amendment is authorization which authorizes the construction of highways at a funding level up to the expenditure of the gasoline taxes that we are now collecting. It will be up to each of us then within the spending limits that are set in the budget—and I hope they will be the spending limits that we agreed to last year and I intend to fight for, but within that we will have an opportunity to compete so that funds can be spent on highways and so that we can have truth in Government, so that when working Americans go to the filling station and stick the nozzle in their gas tank and they sit there while they are holding it reading on the gas pump that every penny of gasoline taxes goes to build roads, that will not be false advertising by the Government, that it will in fact be a reality.

The final point I wanted to reemphasize is we are running out of time. The extension of the highway bill expires on May 1. We are not going to be able to get another clean extension. We obviously have time to deal with this bill since there is no action in the Chamber here at 3 o'clock in the afternoon. It is early in the session. We were told when Congress adjourned for the Christmas recess the first item of business was going to be the highway bill. With a construction cycle beginning in May in the northern tier of the country, with the desperate need for highways and highway modernization, with the fact we told people the money they spend on gasoline taxes is a user fee to be used for highways and roads, I believe it is important that we move ahead. I urge our leadership, both on the Republican side of the aisle and on the Democratic side of the aisle, to move ahead with the highway bill. Let the Senate work its will and know that the amendment which will be offered by

Senator BYRD and by me and by 52 Members of the Senate is an amendment that does not break the spending caps.

Under no circumstance am I going to support breaking the spending caps. This is a debate about priorities. It is a debate about whether or not, when you tell people that their gasoline taxes go to build roads, it should go to build roads. This is competition for available money. It is not a debate about increasing the total level of spending. I know people get confused on this issue, and I wanted to be sure that we continue every day to reiterate that this is a debate about priorities. It is a debate about honesty in Government. But it is not a debate about the total level of spending. That decision will be made in the budget, and hopefully the decision will be made to live up to the commitment we made last year.

Mr. President, I thank the Chair for recognition. I yield the floor.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—S. 1575

Mr. LOTT. Mr. President, with regard to S. 1575, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, S. 1575, the Ronald Reagan airport legislation, and it be considered under the following agreement:

One amendment to be offered by Senator DASCHLE or his designee regarding a commission; one amendment to be offered by Senator DODD regarding a commission; one amendment to be offered by Senator DASCHLE or his designee regarding Dulles Airport naming; one amendment to be offered by Senator COVERDELL, which is a technical change amendment; one amendment to be offered by Senator REID regarding the FBI building renaming; one relevant amendment to be offered by Senator LOTT or his designee; and one relevant amendment to be offered by Senator DASCHLE or his designee.

I further ask that these amendments be the only amendments in order and they all be in the first degree and must be offered and debated prior to the close of business this evening, and any votes ordered with respect to the amendments or passage occur on Wednesday morning, at a time to be determined by the majority leader after notification of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not

object, but I would simply clarify that this has been a work in progress for several days. I appreciate very much the cooperation of the majority leader in accommodating Democratic Senators and Republican Senators who wish to offer amendments.

There were two issues here. One was the opportunity to offer amendments. This unanimous consent request does that. People can vote up or down on the amendments and can certainly vote up or down on the bill. There will be plenty of discussion about the reasons for a vote on either side of these amendments as the debate unfolds.

The second issue was one relating to the IRS bill. It was our view that the bill reforming the IRS needed to be brought to the attention of the Senate and needed to be scheduled. The majority leader has acknowledged the need to do that as well, and he has given me a commitment that we will take up the IRS bill prior to the end of March. So given his commitment to address the IRS and to allow amendments to be offered, that will, in my view, certainly provide us with an opportunity to move forward. So I appreciate very much his effort to respond to those concerns.

We have no objection.

The PRESIDING OFFICER. Regarding the majority leader's unanimous consent request, without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments. I think this is a fair agreement. Senators understandably want to be able to offer relevant amendments, and these amendments do pertain to this general area of discussion. I think that is reasonable. I think that is fair. I was concerned earlier on at the suggestions that were being made that we would wind up with just a litany of amendments making it impossible for us to bring this to a reasonable conclusion, and delaying other issues that we have already made a commitment to do. So I am pleased that we have this agreement.

IRS RESTRUCTURING LEGISLATION

Mr. LOTT. Mr. President, I further announce to all Senators that it will be my intention to call up and consider the IRS restructuring legislation no later than March 30, 1998. I have done that after consultation with Members on both sides of the aisle and, particularly, the chairman of the Finance Committee. He has assured me that he is very dedicated to getting this done. We found out last year in our hearings in the Finance Committee that, in fact, the abuses we had heard about were occurring.

The House passed a bill that made some very positive changes and sent that over to the Senate right at the end of the session. We believe that we are finding out still other problems that exist, and that that bill can be

strengthened. We have given our word, frankly, on both sides of the aisle, that we are going to deal with this issue and we are going to deal with it in a timely way. I think the Finance Committee may have another hearing or two, although I am not limiting it to that. I didn't ask the chairman how many more he wanted to have. We heard from the Secretary of Treasury last week and the new IRS Commissioner, Mr. Rossotti about their reorganization plans. We are still learning things that are happening in order to maybe try to change the culture at IRS, but at the same time we are continuously finding additional problems that have not been addressed in the bill that came across from the House. I believe we can have whatever additional hearings that we need to have and have a markup and have this legislation on the floor of the Senate by the end of March.

The only reason why I didn't want to narrow it down more than that, frankly, is we have a number of issues we have to deal with in March, as Senator DASCHLE knows, such as NATO enlargement, the budget, supplemental appropriations, which I presume will involve at least a part, or all of IMF, as well as this issue. Now, I believe this issue may not take that much time. But we have to make sure that we have looked at the entire schedule for March and we have allowed appropriate time to consider this very important issue of restructuring of the IRS. I think this is a good agreement and we should move forward with it.

Mr. DASCHLE. Mr. President, I only want to acknowledge, again, the extraordinary leadership in our caucus that this Senate has benefited from, thanks to Senator KERREY, on the issue of IRS reform. He and Congressman PORTMAN were the two chairs of the IRS commission that delved into all of these issues. They formulated the policy, convinced the administration, and worked to resolve many outstanding differences. So I appreciate very much their tenacious leadership in this area and, again, thank them for their efforts in bringing us to this point. We will, at long last, resolve this matter.

I am told that 1½ million taxpayers have been adversely affected by IRS activity since the House passed its reform legislation last year. We need to put an end to that, and we need to find ways in which to ensure that the American people and the IRS have a clear message: The old days are gone. The time for reform of the IRS is here.

The Senate, on a bipartisan basis, thanks to the leadership of Senator KERREY is committed to that. We will send the bill to the President well before the April 15 filing time for taxes for the last calendar year.

I thank the majority leader, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

IRS REFORM

Mr. KERREY. Mr. President, first, let me thank both the majority leader and the Democratic leader for resolving this. I thank, as well, Chairman ROTH of the Finance Committee, Senator GRASSLEY, and others who have worked on this. Getting it done by the end of March means that, prior to the 15th of April, taxpayers will have substantially more power. I know that Senator ROTH is looking at some additional things that he might add to the bill.

Let me identify a few that are in this bill that, if we can get it passed before April 15, taxpayers will have. Under current law, the IRS can come out and try to collect money from a taxpayer that they think owes money and, if they make a mistake, tough luck, there is no sanction against them. Under this changed law, if the IRS goes out and does this and it is discovered that they are negligent, they can be responsible for \$100,000 in punitive damages to be paid to the taxpayer. And if it is discovered that they were wrong, they have to pay the legal fees and other expenditures that the taxpayer would have been out. It puts the burden on the IRS to make certain that they don't send out a collection notice unless they are certain there is a collection there. Today, they have no negative sanctions at all. This will shift a substantial amount of power to the taxpayers, which I think is needed.

Chairman ROTH has used what is called section 6103 to look at some of the privacy problems, and he has some additional ideas he may want to add in this area. Just with what the House has passed and what we have in our bill right now, there is a substantial amount of new power that the taxpayer will have. We will make the taxpayer advocate more independent. Senator JOHN BREAU and others—and I believe Chairman ROTH supports it—will make the taxpayer advocate even more independent by removing them from the IRS. They do a relatively good job, but there is a conflict of interest and they have a difficult time being able to be a powerful advocate for the taxpayers.

There are lots of other things that this piece of legislation does, and to be able to get it done by the 15th of April, I think taxpayers are going to like it a lot. Here are some more examples. We all know the code is complicated, and we all know that one of the cheapest ways to get an audience to their feet and to appreciate this is to propose some tax break, a deal that we favor. And everybody around here has one that they like. If we have a reconciliation bill or a tax bill we are going to move through this bill, this law would say that the IRS Commissioner has to be at the table when that is being discussed, and then to say this is what it is going to add to the taxpayer burden.

It has been estimated now that it costs somewhere between \$100 billion and \$200 billion a year to comply with

the code. This would put the Commissioner at the table and give the commissioner a sufficient amount of independence to say this is what it will cost, or that it requires an index and some measure of cost to the taxpayer.

We heard Mr. Rossotti talk about his need for power. It's surprising how little management authority the Commissioner has, though you will not likely see that having an impact immediately. Long-term, there is no question that is going to have an impact. My guess is that most Members have heard complaints coming from citizens that they know have to go to a regional office to get an answer to a question or get a problem solved. That is because what IRS has done is increasingly centralized the decision-making process. And what Mr. Rossotti, correctly, is trying to do is decentralize that process, so you have human beings in offices at the local level helping to make decisions. The way he is proposing to do that is to end the stovepipe structure that exists and create functional structures. He needs the law to be changed in order to have the management authority to get that done.

So I think the majority leader very much and the Democratic leader, Senator DASCHLE, for their determination to get this done. I thank Senator GRASSLEY and Senator ROTH. And before I leave the floor, I also want to thank Secretary Rubin. There was an awful lot of attention paid to a conflict that Congressman PORTMAN, who was cochair of this effort, and I had having to do with an independent board for the IRS. We worked out those disagreements. Lost, unfortunately, in the process of debating that is another change we put in place, which was to require some consolidated oversight on Congress' side and the purpose of both is so that we can get to a point where you have a shared agreement, you have consensus between the executive and legislative branch about what you want the IRS to do. It is impossible to make technology decisions.

The administration is asking for another \$400 million for tax system modernization. Without this piece of legislation in place and Mr. Rossotti with the power and consolidated congressional oversight, I would vote no on that.

This process began with Senator SHELBY and I on the floor adding money for the creation of this commission. Congressman Lightfoot and Congressman HOYER, the ranking member of the Subcommittee on the Treasury, were involved in the House. It began because Senator SHELBY and I saw that the General Accounting Office had said that nearly \$3 billion of money had been wasted trying to modernize the information systems at the Internal Revenue Service. Unless you can get an environment where the legislative and executive branch say we agree on the plan, we support the plan, we support what we are trying to do—everybody

from the private sector and the public sector said, take another \$100 million, or \$400 million, or whatever you can, to put into technology and it is going to be more money down the rat hole.

To get this done by the 15th of April gives us an opportunity to increase confidence that when we give the IRS the technology money they need to modernize their system, it is likely to be that they will do the right thing. I also predict, Mr. President, that there is a title in here that hasn't been given a lot of attention because it is not very controversial. I think that 10 years from now it may be seen as one of the most significant parts of this legislation, and that is powerful incentives to move to the electronic world, electronic filing, and the removal of the some of the disincentives in place right now to electronic filing. I don't want to talk about the information superhighway, but the air rates for electronic filing is less than 1 percent; for the paper world it is 22 percent. The cost to the taxpayer to run the IRS, as well as the cost of the taxpayer to comply is substantially higher in a paper world than an electronic one.

Since the IRS deals with 100 million households on an annual basis, I also would forecast that if we can get the IRS into the electronic world so taxpayers will know with certainty what their bill is—for most families, it is one of the largest bills they have to pay. In Nebraska, for just the Federal obligation in taxes, the average individual contribution to Washington on an annual basis is \$4,600 a year. So for most families, their tax obligation is one of the largest obligations or bills that they have to pay, and uncertainty about that can make it difficult for them to do financial planning.

I forecast that the electronic filing section of this bill is going to be something that is going to benefit taxpayers in lots of ways, and I also believe that it is going to be the sort of thing we will have to do in lots of other areas of Government if we are going to get the unit cost of Government down and the efficiency of the operation of the people's Government up.

So I appreciate very much knowing now with certainty that this bill will be brought to the floor prior to the 30th of March and, more importantly, prior to the 15th of April, because I think the American taxpayers have waited for this all too long.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The PRESIDING OFFICER. The clerk will report S. 1575.

The legislative clerk read as follows:

A bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport."

The Senate proceeded to consider the bill.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first let me say to both the majority leader and the minority leader that the author and the cosponsors of S. 1575 are pleased that we were able to come to terms on the process by which we manage the legislation that would name Washington National Airport the Ronald Reagan Washington National Airport in memory of a great President of the United States. We hopefully are still on a timeframe by which this could be done in time for his birthday, which is this Friday. He will celebrate his 87th birthday.

The agreement is consistent with the argument that we have made all along that this is a memorial. The amendment process should be related to the context of the memorial, and extraneous issues should not have been a part of the amendment process. There is an integrity in this unanimous consent. All of these amendments are relevant, and all of them relate to the concept of whether this ought to be done or not.

We just heard from the Senator from Nebraska about his agreement or concurrence with the agreement that we would bring up IRS reform by April 15th. I, too, echo his agreement that that be done. But I did not believe it ought to be a part of this memorial. It diminished the nature of this for it to become a legislative vehicle for extraneous matters. No matter how important they are, they should not have been dealt with in the context of the memorial to former President Reagan.

I see the Senator from Nevada is present. I ask, if I might, is he here on behalf of the amendment under the agreement that we have just agreed to?

Mr. REID. What amendment is that?

Mr. COVERDELL. It has here "an amendment to be offered by Senator REID regarding the FBI building."

Mr. REID. I say to my friend from Georgia that is the reason I am here.

Mr. COVERDELL. I yield the floor in deference to the Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will shortly send an amendment to the desk to delete the name J. Edgar Hoover from the FBI building.

Let me preface my remarks by saying how much I respect and admire President Reagan. When I served in the House of Representatives, I, on a number of occasions, sided with the President on a number of issues that I felt were important to the country and to the State of Nevada. President Reagan was a good friend of the State of Nevada. His No. 1 adviser and counselor was the Senator from Nevada, Paul Laxalt, for whom I also have great respect. I wouldn't do anything to withhold this measure from passing in time for his 87th birthday. This is not something I am going to talk a long time about. It is just something that I have

been looking, for more than a year, for an opportunity, for a vehicle to remove Mr. Hoover's name from the Federal Bureau of Investigation building.

I say to the sponsor of this bill that I commend and applaud him for being as tenacious as he has been in making sure this is done prior to the President's 87th birthday, which I understand is this Friday. I hope that the President, even though he is ill, will understand what an important act of Congress this is. It is one of many things that is going to be done to honor President Reagan's name. We, of course, have the largest Federal building in Washington, DC proper that will be named after him in Federal Triangle. There is going to be an aircraft carrier named after him, the largest in the Nimitz class that will be named after President Reagan. All of these honors are appropriate.

I want to make sure that I stress in my statement here today that my amendment has nothing to do with any attempt to take away the naming of the building for President Reagan. I hope that my friends on the other side of the aisle will support this amendment.

Let's look at J. Edgar Hoover. When I first became interested in this, I would show a book, "J. Edgar Hoover, A Man and His Secrets," by Curt Gentry. Curt Gentry is a personal friend of mine. Curt and I have worked together for many years on a number of different things. I have the greatest respect for him. It took him 10 years to write this book, the most thorough research ever done on J. Edgar Hoover by Curt Gentry. It is a fine book. It is very readable. As you all know, he also wrote the book on Charles Manson called "Helter-Skelter," which was also a best-seller.

I became convinced that we needed to do something to take the name off that building when I learned that, among other things, J. Edgar Hoover had a longstanding secret investigation of Quentin Burdick from North Dakota. Try that one on for size. Quentin Burdick from North Dakota was investigated by J. Edgar Hoover for his subservience. I would suggest to everyone that all of us who served with Burdick would suggest he was nothing other than a patriot.

Among other things, when J. Edgar Hoover died, his secretary had all of his personal records taken out of the FBI building and taken to his home. These were files on people. We will never know the full extent of the investigation this man did over the five decades that he was involved with the FBI. We know that it took, on a daily basis, working the longest and as hard as people could, 2½ months to shred the personal files which he had on people. We have learned in years past—and this is one—that he conducted investigations of many, many people. We could go through a long list of people he conducted investigations on. The index of this book that I have before me goes

over names of people who are fine Americans who he had secret investigations done on.

We all know of the work that he did to cause all the problems he could to the person from Georgia, Dr. Martin Luther King. And the things he did alone to Dr. Martin Luther King was about as un-American as anything could be.

J. Edgar Hoover's name on the FBI building is a stain on the building. Arguably there is no other public official of this century who did so much to undermine the civil liberties as did J. Edgar Hoover. That says a lot because we have had many people who have been involved in going after people's civil rights and civil liberties, and I would say Hoover was at the top of the list. This was engaged in while he was head of the FBI. We have learned since he died that he did many different things.

Because the sponsor of the bill is from Georgia, I hope that he will join me in this effort.

Twenty-five separate actions were taken against Dr. Martin Luther King in the 1960s by J. Edgar Hoover that had no statutory basis—none. By the FBI's own admission, the allegations of "Communist" that flew over Dr. King were never proved nor established. There was a concerted undercover campaign of continuous wiretapping of his home, his office, and travel accommodations for over 3 years. The FBI Director himself approved of an attempt to disrupt Dr. King's marriage. The FBI launched an aggressive campaign intended to, among other objectives, replace Dr. King with a civil rights leader more acceptable to J. Edgar Hoover. When Dr. Martin Luther King received the Nobel Peace Prize, the FBI sent a thinly veiled recommendation in a letter to Dr. King himself that Dr. King kill himself before accepting the prize.

J. Edgar Hoover went to extraordinary lengths to pursue a vicious vendetta against Dr. King, and I don't think I need to dwell on that anymore. Dr. Martin Luther King did not need this aggravation, this intrusive interference with this person's life.

The reason I mention Dr. King is because he is a very prominent figure. This happened to prominent and not-so-prominent people, anybody that J. Edgar Hoover felt needed to be looked at, and he did so in spite of what the law might have been because he was the law in his own mind.

Under his direction, the FBI continued to harass activists, or protesters, or any political movement. They didn't have to be in the civil rights movement—any political movement. He moved in with his minions, harassed, and did whatever he could to disrupt people. This was carried out by intimidation, slander, and threatening to disrupt their marriages, force them out of jobs, and smear them in the eyes of parents and teachers. Letters were used to incite violence between rival

black groups, counting on contracts to be placed on certain leaders' lives in each group. Additional letters were forged over local Communist Party leaders' signatures to attack the employment practices of Mafia-owned businesses in order to intensify further animosity between these organizations.

The full extent of the FBI involvement will never be known because, as I have indicated, most all the records of relevant and highly pertinent Bureau documents were destroyed after he died in 1972.

So now that Americans have the real story on this demagoguery, we might be shamed into a more appropriate name for the FBI headquarters. I say to my friend from Georgia that my original intent was to take the name off the building and insert some other President's name—President Eisenhower, President Bush, or President Truman. But I do not want to make this a political debate. I think we should go ahead and name the airport after President Reagan and get Hoover's name off the FBI building. Then I am happy to work with my friends from the other side of aisle to come up with an appropriate name for the FBI building. But I don't think it does this country any good to have this man's name affixed to the FBI building. Here is a person who spent his entire life taking away people's rights.

So I hope this does not become a partisan issue. As I have indicated to my friend from Georgia, I hope there is a large vote for the Reagan bill from this side of the aisle. But I also hope there is a vote on the other side of the aisle to get this man's name off the Federal Bureau of Investigation building. I have so much respect for that organization and the people who work in it. I have spoken to FBI agents who really do not want his name on the building. The more time that goes by and the less people who worked under his influence, the more this happens all the time. The FBI is known today as an entity that protects people's rights, not take rights away.

So I hope that the message has been made. I only use one example. That is Dr. King. If anyone wants more information, I can certainly spread across this Senate the records of hundreds of people who were treated the same way that Dr. King was treated.

AMENDMENT NO. 1640

(Purpose: To redesignate the J. Edgar Hoover FBI Building in Washington, District of Columbia, as the "Federal Bureau of Investigation Building")

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada (Mr. REID) proposes an amendment numbered 1640.

At the end, add the following:

SEC. ____ REDESIGNATION OF J. EDGAR HOOVER FBI BUILDING.

(a) IN GENERAL.—The J. Edgar Hoover FBI Building located at 935 Pennsylvania Avenue

in Washington, District of Columbia, shall be known and designated as the "Federal Bureau of Investigation Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation Building".

Mr. REID. Mr. President, I would just state in closing that we have numerous newspaper articles: "FBI Aide Terms Effort to Villify King Illegal;" "FBI Can't Justify Acts Against King;" "FBI Labeled King Communist;" "Senate Probe Bares Secret Files;" "Crusade to Topple King;" "Kelly Explores FBI Effort to Destroy King;" "King Widow Demands Reopening Martin Luther King Murder Probe;" "FBI Supervisor Linked to Dr. King Case;" "No Legal Basis for Harassing King," FBI official says;" "FBI Tried to Kill Reverend King's Reputation." And I say again there are numerous people who were treated as badly, if not worse, as Dr. King. And if there is any question from anybody on either side of the aisle in that regard I would be happy to supply that information.

I also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first I thank the Senator from Nevada for his opening acknowledgement about the appropriateness of this legislation to honor former President Reagan. I appreciate his acknowledgement of the nature of the timeframe, that we are wanting to do this in conjunction with the President's 87th birthday.

I thank the Senator from Nevada for acknowledging that, indeed, this is a very unique period in the twilight years of the former President, and that he is bravely and courageously struggling with an illness; that he has used that illness as a last attempt to do public good by calling attention to its nature and highlighting the problem to the Nation. And I appreciate very much those generous remarks on behalf of the former President.

With regard to the presentations the Senator has made on behalf of his amendment, there will be a recorded vote up or down, and the Members of the Senate may make their decision as to their agreement or not with whether or not the current name of the FBI building would be removed and left to future congressional action to determine if another name should so honor the building.

I also agree with the Senator in his admiration of the Federal Bureau of Investigation. It has had some difficult times, but clearly it has been throughout our history an instrument to which the American public looked for security and integrity.

Today, of course, the central objective is to fulfill the goal of S. 1575

which is to honor former President Reagan in this very fitting way by redesignation of Washington National Airport as Ronald Reagan Washington National Airport.

I thought it might be useful, Mr. President, to share some of the Nation's efforts to encourage the Congress and the President to get this job done by Friday. Resolutions are being introduced and passed throughout the country in support of the renaming of National Airport for President Reagan. On January 16, 1998, the California assembly passed a resolution in support of this legislation. Of course, it is extremely fitting because former President Reagan was twice elected Governor of the great State of California, where he served successfully and with integrity and purpose. I have been told that a similar resolution was introduced yesterday in the South Dakota Senate by Senator Alan Aiker and in the Maine House of Representatives by Representative Adam Mack. The Alabama House of Representatives, my neighboring State, has passed a resolution in support of the redesignation of National Airport. The Arizona Senate has passed a resolution in like support of redesignation. The Idaho, Illinois, and Ohio legislatures will introduce resolutions next week. In Wisconsin, a resolution has been introduced and will be voted on this week. In addition, on February 6, President Reagan's 87th birthday, the Wisconsin legislature will vote on a plan to name the new Department of Administration building in Madison after former President Ronald Reagan.

Mr. President, I am glad this short-lived filibuster has come to an end and that we can move on to resolution of this legislation.

As I said when we began the debate on this legislation, there are fewer than 12 namesakes of former President Reagan. As indicated by the Senator from Nevada, assuming the success of this legislation, I think we are going to see a growing crescendo across the country. As we look back on the Reagan Presidency, if you had to find a word that characterized it, it was "optimism"—optimism, a complete belief in the spirit and nature of the American people. Historically, there are very few eras for which the principles of American freedom were more center point, almost on a par in a sense with the founding. President Reagan's policies unleashed unprecedented economic liberty, created millions and millions of new jobs, created unprecedented growth, created and made the value of economic liberty fall into the homes of millions and millions of Americans across this country.

Sometimes when we talk about American liberty we tend to focus on the component of keeping ourselves free from impoundment by adversarial forces, the Axis powers and Adolf Hitler, Saddam Hussein. But one of the critical components of American liberty is economic liberty. We fought the

War of Independence over economic liberty. And there has not been another American leader so committed to it as was former President Ronald Reagan. He fought for it throughout his entire life and, as President, implemented policies that enriched it in every corner.

Having said that, he was also one of the strongest proponents of defending our freedom through strength, and as we said over the last several days his strong conviction with regard to the Soviet Union, which he labeled "the evil empire," was unprecedented in changing the fortunes of world history as he brought down the Berlin Wall and he brought down the Soviet Union's grasp over millions of people in the world. So he was seeing to liberty not only at home but liberty abroad.

Mr. President, I see the Senator from Nevada is seeking recognition, and I will yield the floor to the Senator at this time.

Mr. REID. I extend my appreciation to the Senator. I want to complete anything I have on this legislation prior to our automatic 5 o'clock break, and I want to say a couple things.

First of all, just so the record is clear, there were a number of things written about J. Edgar Hoover but one of the most telling things was written on the day of his death when a local columnist wrote about some of the things they were beginning to discover in some detail, the files he had kept on people. And this one columnist indicated he had reviewed the titillating tidbits about such diverse figures as Marlon Brando, Harry Belafonte, athletes like Joe Namath, Lance Rentzel, Joe Louis, Muhammad Ali, and, of course, he was always hard on all black leaders. Included in this article was Ralph Abernathy and Roy Ennis. After Dr. King was assassinated, he continued his work going after his widow. It wasn't good enough that he had attempted to vilify this man; he went after the widow.

And then I guess it is all summed up by a note that President Nixon sent to John Dean when he said, and I quote, "He's got files on everybody," which I guess is true. I deleted some swear words in the note from Nixon to Dean.

So I hope that we could get this part of the history at least off the FBI building. It is a great institution. Whenever I can do anything legislatively to help the FBI, I have done that. I think they are a great organization that today we should be proud of, and in spite of J. Edgar Hoover the FBI I think has a great reputation.

Mr. President, let me just say, since I see my friend from Arizona in the Chamber, and I know we have a 5 o'clock break, a couple words to extend my appreciation to the majority leader for setting a time certain that we can take up the IRS bill, which certainly is one of the most important things that we can do, the restructuring of the Internal Revenue Service. It passed the House widely last year. We should have

passed it ourselves last year. I think it is important that we move forward on this as quickly as we can. It is important legislation to, among other things, change the burden of proof in a tax case from the taxpayer to the tax collector. Certainly it seems that would be an appropriate thing to do. It needs to be restructured. It will pass overwhelmingly when we get to it. I hope that Chairman ROTH will move forward with hearings as quickly as possible so that we can have all that done. There is no excuse we cannot move forward with this on the date in March the majority leader has selected.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, many opponents of this legislation have expressed concerns about Congress stripping the local airport authority of its control. As many of my colleagues know, I have long advocated that the Federal Government get out of the business of running National and Dulles airports. The Federal Government, much to my chagrin, mandates the number of hourly operations at National Airport and the length of non-stop flights to and from National Airport, known to many of us as the so-called perimeter rule. My attempts to deregulate National Airport have been met with ardent local resistance.

I just want to take this opportunity to say that National and those who represent it cannot just accept the Federal regulations that are convenient for them and that they like. If they oppose our activities with respect to an airport that's still federally owned, I urge them to step up and oppose all Federal statutes that specifically address Washington National, such as the perimeter rule.

I say to those who are raising this concern about our involvement by acting congressionally in renaming the Washington National Airport the Ronald Reagan Airport, I hope that you will express at least a scintilla of that same zeal in trying to remove the Federal requirement that every flight that leaves National Airport can go no further than what, just by coincidence, turns out to be the western edge of the runway at Dallas-Fort Worth Airport, which rule happened to have been put in by the former Speaker of the House, Jim Wright. I know that is purely coincidental.

The reality is that there are very strict Federal regulations that govern National Airport and Dulles Airport, and those regulations should be removed. So I continue, of course, also to be amused at the fact that at Washington National Airport, hundreds of thousands of dollars of revenue on an annual basis are lost, or perhaps millions, because of the reserved parking places for Members of the Congress, diplomats and judges. But that problem has been, to a large degree, solved, because the very clever and intelligent

people that run Washington National Airport, when faced with occasional complaints by people who were struggling past empty parking lots with a sign on them that said "Reserved for diplomats, Members of Congress and Supreme Court Justices," struggling people like women with children, elderly individuals who had to go much, much further away because these parking lots are reserved close in to the airport, they solved this problem for us, and it probably will not come up again, because they took down the signs that said, "Reserved for diplomats, Supreme Court Justices and Members of Congress," and they put up signs that said, "Reserved." So, for all intents and purposes, that problem is pretty well resolved.

The fact is that it is outrageous and it is a disgrace. It is, again, an example of the Federal involvement in National Airport.

I would like to be serious for just a moment, if I could. I want to thank Senator COVERDELL. I thank Senator COVERDELL for bringing this issue up and for his usual tenacity in seeing this thing through. But I also want to say it's not just tenacity that characterizes Senator COVERDELL, it's a willingness to discuss and negotiate this issue with those on the other side of the aisle so we have reached what I think is a reasonable agreement that would resolve this issue. I thank my friends on the other side of the aisle who have been willing to enter into this agreement so we can have their legitimate concerns ventilated in the proper parliamentary fashion, the way we do business around here in the Senate.

I was disturbed last Thursday when apparently we were going to go through some kind of filibustering over this issue, rather than resolve it in the way we are resolving it now. I didn't think it was a good way for us to start the year. So I thank my friends, especially the Democratic leader, Senator DASCHLE, for his characteristic willingness to resolve the differences we may have had.

Each of these amendments which are germane will be voted on. I am sure many of them have merit. I remind my friends on the other side of the aisle, they feel very strongly and with great affection for their heroes. And their heroes are deserving of their respect and affection. And we on this side of the aisle share that respect and affection for their heroes. Perhaps not to the degree, but certainly we share the affection and respect. We also on this side of the aisle believe that Ronald Reagan did marvelous things, not only for all Americans but all citizens of the world in providing an opportunity for peace and freedom. He did keep the United States of America as a beacon of hope and freedom to all mankind and I believe that what we are going to do is exceedingly appropriate. I am pleased that we will be able to resolve this. I am sure that in the minds of many of

us there is never any way we will be able to properly honor and commemorate his services to our Nation. What we are doing is done in a very small and insignificant fashion in the grand scheme of things.

Again, I thank Senator COVERDELL and I thank my friends on the other side of the aisle for their cooperation with us on this issue. I pledge, at least for myself and I think most people on this side of the aisle, that when an issue of this nature arises which is emotionally as well as intellectually important, that we will try to show and should show the same consideration to you as was displayed on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my cosponsor, Senator MCCAIN of Arizona, for his remarks and for his support of this effort and for the enormous contribution he has made to our coming to this point. He spoke to an amendment that I want to take just a second on.

We understand there will be an amendment that would suggest that this is an intrusion into local matters. This is, of course, an amendment that I would encourage all my colleagues to oppose. I would just cite the Federal law that contemporarily governs Washington National. It says:

The Federal Government has a continuing but limited interest in the operation of the two Federally-owned airports which serve the travel and cargo needs of the entire metropolitan Washington region as well as the District of Columbia and the national seat of Government.

To be candid about it, I think if it weren't for the Congress, National Airport, like many other close-in metropolitan airports, would have been closed. It is just that the Congress would never have accepted that. Of course it was funded by the Federal Government through 1987, and since that time has received appropriate grants from several Federal entities. So I believe the idea that there is not an appropriate national and Federal role here cannot be substantiated. This is one amendment—I have not seen the exact language—but that I would encourage opposition to. I see my good friend from New Jersey is on the floor to make comments. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I know to many Americans it may be strange or bewildering with so many issues before the Congress that we are debating naming, honoring, Americans by placing their names on different public facilities. But who we honor, and the names we attach to public buildings and locations, matters. By whom we choose to honor, we set standards about ourselves. We communicate with future generations the qualities of people that we admire and the things in American history that

are important. The Senator from Georgia has rightly noted the considerable contributions of former President Ronald Reagan. The Senator from Nevada, Mr. REID, has offered an amendment of importance for another reason.

Standards change. Nations learn conduct and behavior. No sooner had the Soviet Union fallen than statues of Stalin and Lenin tumbled to the streets. Samozza, Marcos, Batista had probably not even left office when their names and statues were removed from public places.

In America through the years we have had despots of a different order, people who lived in a free society but did not always respect the law. They were part of the U.S. Government but not always in its best traditions. The Senator from Nevada has raised an issue before the Senate that the name of J. Edgar Hoover remains on the FBI building in Washington, DC. Every year, thousands of American schoolchildren wander down Pennsylvania Avenue to visit the FBI headquarters. Because the FBI now is head a model of law enforcement in our country, because the country has been fortunate to have Louis Freeh as its director, who respects the law and is in the highest traditions of our country, neither those schoolchildren nor many of our citizens, probably, remember or understand that there was a time when the Federal Bureau of Investigation's leadership, under J. Edgar Hoover, neither lived within nor always respected the law.

Mr. COVERDELL. Will the Senator yield for just one moment for an administrative note?

Mr. TORRICELLI. I am happy to yield.

ORDER FOR RECESS

Mr. COVERDELL. I ask unanimous consent that at the closure of the Senator's remarks, the Senate stand in recess until the hour of 6 this evening. As you know, this is for the Members' briefing on Iraq.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask for 1 minute following his remarks.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as amended by the Senator from Nevada? Hearing none, it is so ordered.

Mr. TORRICELLI. Upon J. Edgar Hoover's death, perhaps his closest colleague in the Bureau, William Sullivan, described Mr. Hoover as a "master blackmailer."

We now know from historians Mr. Hoover had compiled files on Presidents of the United States and Members of Congress through illegal surveillance and wiretapping, holding dossiers on leaders of the U.S. Government. It was a practice of blackmail. It changed policies. It threatened America. And it was wrong.

Probably no one of his time, through subterfuge, within the U.S. Government, had a more adverse impact on the civil rights movement. He vigor-

ously dispatched agents of the U.S. Government to harass the leadership of the NAACP. He called leading civil rights organizations "Communist fronts." Indeed, he instructed agents to stand by and watch as racist mobs would beat up voter registration workers and civil rights workers in organized and lawful marches. To the extent that he harassed Martin Luther King, former Vice President Walter Mondale called J. Edgar Hoover "a disgrace to every American."

I don't know how we explain to American schoolchildren who leave their schools to honor Martin Luther King, who learn in our classrooms about the American Constitution, our respect for laws, that when they visit this proud Capital of our country, the most prominent name on the most prominent street in America is J. Edgar Hoover. But I know this, the Senator from Nevada is right, that it is a contradiction that should be removed, an explanation that no longer need be made. It is time to remove the name of J. Edgar Hoover from the FBI building. And if it is not enough that we suspected all along his intimidation of Presidents and his violation of basic rights, his biographers now give us more than enough reason. If you don't respect the Constitution, or civil rights, or civil liberties, Mr. Hoover lived outside the laws that he pretended to uphold.

It is now known that he had secret relationships with underworld boss Frank Costello, whose primary duties in organized crime including fixing games of chance and horse races. Gambling tips were given to Mr. Hoover, so he was able to support a lifestyle and live with income outside of the law. He had close contacts with members of New York's organized crime families as well, who he refused to investigate, or even acknowledge that they were a public policy problem for more than a decade. It is now claimed that outside of these illegal acts, within the bureau itself he used hundreds of thousands of dollars of public money for his own personal use.

The Senator from Nevada has brought before the Senate a painful decision, because it requires an honest reflection on a period of history of our own country.

Mr. Hoover was not in the best traditions of this country. And in a time when many fear that civil liberties in our country are sometime threatened, no longer from without but from within, it is a valuable message not only to our own people but, indeed, to law enforcement that we honor people not only who enforce the law but who live within it.

As Richard Cohen of the Washington Post observed in 1990:

You affect the future, by what you do with the past and how you interpret it. All over the world, when regimes change, so do names. Danzig becomes Gdansk. Images of Lenin come down all over Eastern Europe, and in the Soviet Union, Stalingrad becomes

Volgograd. These are all political statements. They say, "there's a new way of doing things."

Mr. President, exactly, there is a new way of doing things.

The Senator from Georgia offers the name of Ronald Reagan because Ronald Reagan makes us proud. He was the right way of doing things in our country, whether you agree with the naming of the airport or you do not. Mr. Hoover is an indication of the wrong way of doing things in America. I support the amendment offered by the Senator from Nevada. I am proud to offer it with him. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be some who feel that Ronald Reagan was not the greatest President. I have already laid across this RECORD how I feel about Ronald Reagan. But everyone would say that Ronald Reagan's heart was in the right place. He was a true American patriot who did what he thought was best for this country.

The direct opposite is applicable to J. Edgar Hoover. He didn't do things that were good for this country. His heart was not in the right place. He was a vicious, mean-spirited man, and his name should be taken from the building that houses the Federal Bureau of Investigation the very same moment we rename National Airport for President Ronald Reagan.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 6 p.m.

Thereupon, at 5:02 p.m., the Senate recessed until 5:58:32 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COVERDELL).

RECESS

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, I ask unanimous consent the Senate stand in recess until the hour of 6:15.

There being no objection, the Senate, at 5:58 p.m., recessed until 6:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BROWBACK].

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate is considering S. 1575.

Mr. COVERDELL. Mr. President, parliamentary inquiry. We are returning to the Ronald Reagan legislation, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. It is my understanding that the Senator from Connecticut is here to speak on his amendment. I wonder if I might get the Senator's attention for a moment. About how long does the Senator need?

Mr. DODD. I will be taking maybe all of 5 to 10 minutes.

Mr. COVERDELL. I yield the floor, Mr. President.

Mr. DODD. Mr. President, shortly, I will offer an amendment. I am making some drafting corrections to it. When that is completed, I will submit it to the desk for consideration. Allow me to, first of all, ask unanimous consent to set aside the pending amendment.

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

Mr. DODD. Mr. President, in a moment I will send that amendment to the desk. First of all, on the underlying question here, in terms of the naming of the National Airport in honor of President Ronald Reagan, I support that, Mr. President. I realize others apparently do not, and I certainly respect people's right to make that decision. For those who have been around here long enough, I guess going back to the days when President Reagan served as President, there were not many issues on which we agreed. I fought rather vociferously on issues involving Latin America, domestic policy, and questions on a wide range of issues. But I happen to believe that the people who have served this country as President, elected twice, deserve recognition. Whether you agree with him or not, the people elected him twice to the highest office in our land, a position achieved only by some 41 or 42 people in the history of this country. So if this is what has been chosen by those who believe it is a proper way to recognize the contribution of Ronald Reagan, I respect that.

It has been suggested that we haven't named anything for Harry Truman or Jimmy Carter, and I think that is a legitimate point. Certainly, those who want to do that—and I join them in that—ought to find an appropriate way to recognize their contributions. It seems to me that that ought not to detract from the effort here to name something in honor of Ronald Reagan.

So if this is what the President's family and others believe, as I said a moment ago, is an appropriate and proper way to recognize him, then this Senator—this Democrat, if you will, which comes secondary to my role in the Senate, and as a citizen—I am going to support that decision. I noted earlier that it took many years before we were able to recognize Franklin Delano Roosevelt with a monument. He was one of the greatest Presidents in this century, having led us during the Great Depression and a world war. I was saddened that day when the ceremonies opened up that wonderful memorial, and it occurred to me that there weren't many people on the other side of the aisle there.

We ought to take politics out of these decision whenever possible. I call

for the establishment of a commission so that, henceforth—not on this issue, but henceforth when we decide to name or rename facilities, there ought to be a deliberative way in which we proceed. Too often these issues are raised when a particular monument is up for consideration, and based on whether people agree or disagree with that choice, there are suggestions about sending this off to a commission or some group for consideration. I understand that, but too often once that issue is put aside and ended, we go back to business as usual and never come back to how we consider these issues.

So the amendment that I am offering establishes a commission. It does not condition this naming on the commission being established, but rather it is prospective. So that in the future when such namings or renamings will occur, there is a process by which we can do it.

I offer a second part of this amendment, which is a Sense-of-the-Senate resolution that has to do with the naming of facilities here on the Capitol grounds. Rather than trying to write statutory law here, I just made it a Sense-of-the-Senate resolution that would establish a commission made up of former Members of Congress from both parties. So that on the Capitol grounds when we are naming rooms or facilities within the Capitol here, there would also be a deliberate process by which we go, and that is really a sense of the Senate. The idea is that it would give our former colleagues a role to play when the issue arose as to whether or not we ought to name buildings, facilities, porticoes, or balconies that have been named in the past. I think as temporary custodians of these wonderful grounds of the Capitol, we ought to be deliberate and cautious in how we go about naming these facilities, so that long after we are gone, there is an appropriate designation that the test of time would wear well.

I point out to my colleagues that, in the last 24 hours or so, we have heard of the people who have just been named to the National Basketball Association Hall of Fame. What is the relationship? I note that there is a requirement that there be a period of 5 years since the person has left professional basketball before they can even be considered. I note that Larry Bird, someone I admired immensely, as most Americans did for his great skill on the basketball court, I suppose you might have made the case when he retired in 1992 that he should have been named immediately. Yet, the rules are that you have to wait 5 years and then a board thinks about it, analyzes it, and makes its judgment.

All I am suggesting here is as temporary custodians, for these wonderful Capitol grounds, that we ought to establish a similar kind of a process before we go off and name buildings and rooms and facilities and other parts of these grounds for people who may be very well deserving of such a designa-

tion, but the test of time and a little deliberation would serve us all well and serve future generations well accordingly.

So there are two parts of this amendment. First is that we would establish, by law, a commission that would consider naming, in future days, Federal facilities around the country. And the second part is a sense of the Senate to deal with the Capitol grounds and buildings.

Mr. President, as I say, this is prospective. It doesn't affect the decision of naming the National Airport for Ronald Reagan. I support that. I said to my colleagues that, despite whatever differences—and they were significant—I had with this American President, I believe that naming such an airport for him is not inappropriate. In fact, having served this Nation for 8 years as President, chosen by the American public, a designation such as this in his honor is appropriate, and I support that.

With that, I will be happy to yield the floor.

Mr. COVERDELL. Mr. President, if the Senator seeks a rollcall vote, which would occur tomorrow, it would be appropriate to ask for the yeas and nays.

AMENDMENT NO. 1641

(Purpose: To provide an orderly process for the renaming of existing Federal facilities)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1641.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—Notwithstanding subsection (b), the Advisory Group shall not have the authority to consider any proposal to rename Washington National Airport, or a portion of the airport, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RE-NAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supercedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or

House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, a commission consisting of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

Mr. DODD. Mr. President, may I inquire of the distinguished Senator from Georgia, chairman of the committee, may it not be possible—and I see my colleague, the distinguished Democratic leader arriving. He has an amendment that is very similar. In fact, it is drawn in similar language, but it has a different application. I inquire as to whether or not the ordering of the amendments might be such that his amendment be considered—

Mr. DASCHLE. Will the Senator yield?

Mr. DODD. I yield to the Democratic leader.

Mr. DASCHLE. Mr. President, I think the Senator may be referring to an amendment that I understand the Senator from Virginia may be offering. I will be offering another amendment. But I think the suggestion made by the Senator from Connecticut is a good one and perhaps we could make that arrangement later on in the unanimous consent agreement.

Mr. DODD. I hope that might be the case. It would be a proper ordering of these.

Mr. WARNER. Mr. President, parliamentary inquiry: Could the distinguished floor manager, the distinguished Senator from Georgia, or the distinguished Democratic leader, advise the Senate, is tonight to embrace all of the debate that is going to be on the central bill as well as the amendments and, therefore, Senators desiring to speak should do so this evening?

Mr. COVERDELL. By close of business this evening.

Mr. WARNER. Mr. President, at some point I hope to be recognized for a period not to exceed 4 or 5 minutes.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, under the unanimous consent I believe we have established the order of the amendments. The first was an amendment to be offered by Senator DASCHLE or his designee regarding the commission. So the Senator's desire that that be considered first is accomplished.

The next amendment is the one offered by the Senator from Connecticut to be followed by another amendment to be offered by Senator DASCHLE or his designee regarding Dulles Airport. There is then an amendment to be offered by myself, which I would at the moment not likely offer, to be followed by the amendment which has already been offered by Senator REID dealing with the FBI building. There is a provision for a relevant amendment to be offered by the majority leader which may or may not be offered, and a similar amendment—I think that is what we have here—to be offered by the minority leader. So I believe the order has been established, and it accomplishes what the Senator from Connecticut would have preferred.

Mr. DODD. I thank my colleague for that.

Mr. President, if I may inquire further, I was just told—I apologize to my colleague from Virginia, Senator ROBB—it is my understanding that the distinguished Democratic leader would be offering the commission amendment. All I was suggesting is if it is appropriate at the proper time that an unanimous consent request would provide an order for these amendments so there would be a proper flow here in a way that we would consider the amendment of the Senator from Virginia, I suspect, prior to mine, and then mine. If that would be the order, again, I am here on the floor because I have another engagement and was asked to come over and properly deal with the amendment which I want to offer. There was no attempt to try to get ahead of anybody in line. Maybe a sequencing of these amendments would serve everybody's interest. I would have no objection to that, if the amendment of the Senator from Virginia can be considered prior. We can deal with this at a later point.

Mr. COVERDELL. If I might ask a question of the minority leader, is the amendment of the Senator from Virginia fulfilling this first amendment request, he or his designee, on the commission amendment?

Mr. DASCHLE. I will respond, if the Senator will yield, by acknowledging the leadership of the Senator from Virginia. It is my understanding that he will be prepared to offer the amendment relating to a commission and that we would want to precede to the other commission amendment offered by Senator DODD.

I will simply inform colleagues that the amendment relating to the renaming of Dulles International Airport will likely not be offered.

So, as the Senator from Georgia has suggested, it may be appropriate just to ensure that everyone has a clear understanding, that the amendment relating to a commission offered by Senator ROBB, be first; the amendment by Senator DODD, second; the amendment, should he choose to offer it, by Senator COVERDELL, third; the amendment by Senator REID, fourth; the amendment by Senator LOTT, fifth; and the amendment by myself relevant, or my designee, sixth.

Perhaps there would be an appropriate time to propound the unanimous consent, and I will do so.

The PRESIDING OFFICER. Is there objection to the sequence of the amendments?

Mr. COVERDELL. Mr. President, reserving the right to object, which I will not, the minority leader has followed the path of the unanimous consent previously ordered. I can think of no reason for anybody on our side, even though I can't counsel with the majority leader, to object. Therefore, there is no objection.

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

Mr. DODD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the indulgence of the senior Senator from Virginia.

Mr. President, as I noted, the amendment relating to the renaming of Dulles International Airport will not be offered, and Senator ROBB will be offering the amendment relating to a commission.

I would like to use my authority under the unanimous consent agreement relating to the relevant amendment to send an amendment to the desk and ask for its immediate consideration.

AMENDMENT NO. 1642

(Purpose: To require approval by the Metropolitan Washington Airports Authority of the renaming of Washington National Airport as the Ronald Reagan National Airport)

Mr. DASCHLE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 1642.

On page 3, after line 5, insert the following:
SEC. 3. MWAA APPROVAL REQUIRED.

This Act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport provided for by section 1 of this Act.

Mr. DASCHLE. Mr. President, that is the entire text of the amendment.

I have spoken on this issue on several occasions, so I don't need to restate many of the thoughts that were already expressed. Obviously, this is an issue that will unfortunately divide us in some respects. But I don't think the question of honoring President Reagan should divide us at all.

There is no doubt that we, on a bipartisan basis, should seek ways in which to honor former leaders and former Presidents. Frankly, I am not all that troubled about whether they are still living and very much a part of our country and society in roles of leadership, as is the case with President Reagan. I do think there have been a number of questions legitimately raised about whether this is the most appropriate way with which to honor our former President, and the appropriateness of renaming Washington National Airport has been the subject of a good deal of discussion over the last several days.

Senator ROBB and others have pointed out that Washington National Airport was transferred to the Metropolitan Washington Airports Authority in 1986 under a 50-year lease. The Airports Authority and other local authorities under that lease have been given all jurisdiction relating to matters pertaining to the airport. Some have noted that imposing this change in name will require countless businesses to make, in some cases, substantial investments and commitments financially that they have already noted could be very prohibitive.

Some asked as well whether it is appropriate, given the fact that the International Trade Center in Washington will be named after our former President, Ronald Reagan in May. This is the single most expensive Federal building ever erected and is second only to the Pentagon in size. The naming of this building will provide us with a sufficient opportunity to call attention to Ronald Reagan's commitments and contributions to this country.

That isn't the only matter that will be raised with regard to renaming or naming of facilities. A new *Nimitz*-class aircraft carrier will be named after the former President as soon as it is completed.

So we have the International Trade Center to be named in May and the *Nimitz*-class aircraft carrier in the near future. We have clearly demonstrated that we are prepared to honor this former President on a bipartisan basis.

Many people have questioned whether or not the Greater Washington Board of Trade's views about renaming Washington National Airport ought to be considered. In a letter to Congressman SHUSTER, the Washington Board of Trade noted that this change "would be very confusing to air travelers, visitors, and local residents alike."

The imposition of the Federal Government on local jurisdiction has also been raised. Perhaps no one spoke more

forcefully and passionately about the importance of local control, about the importance of local decisionmaking, about the importance of giving more power to the local level, than President Reagan. Yet, we find the chairman of the Arlington County Board in opposition to this name change. Christopher Zimmerman, the chairman of the Arlington County Board, noted, "Memorializing President Reagan by imposing a name change, against the wishes of the local business community, Metropolitan Washington Airports Authority, and local jurisdictions which it serves, would certainly go against the spirit and intent of the President's actions while in office."

The chairman of the Metropolitan Washington Airports Authority, also questions whether Congress could impose the change legally without the authority's consent, given the contractual arrangements under which we are now operating. Alexandria Mayor Kerry Donley is concerned that the name change could affect nearby businesses and suggested that Congress "leave well enough alone."

The city council of Alexandria also urges Congress to "retain the present name of Washington National Airport, which honors the 'Father of our Nation' and our first President, George Washington."

Linwood Holton, who served as the chairman of the Airports Authority when the Federal Government leased Washington National Airport in 1986, also opposes renaming it. He argues that the purpose of the lease was to achieve "local control, management, operation and development of the airport," and that this bill is not "consistent with either the literal terms or the purpose of that lease agreement" and "would be detrimental to the airport and its users and affect the traveling public in ways currently not intended by the drafters of this legislation."

Mr. President, I ask unanimous consent that a copy of Mr. Holton's letter sent by Mr. Holton to Congressman MORAN which describes the concern in greater detail be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. DASCHLE. Mr. President, as I noted, President Reagan made it very clear that were he to waive the magic wand, the more the Federal Government could turn local decisionmaking over to local decisionmakers, the happier he would be. Here we have virtually every single local decisionmaker elected and appointed who oppose the very renaming that is incorporated into this legislation.

How ironic that in the name of President Reagan we do the very thing that he opposed the most—forcing Federal will on local officials.

I don't think that Congress should pass legislation that removes Washington's name from National Airport and

replaces it with the name of another President, or anybody else, over the objection of local officials. I personally oppose it. But that shouldn't be the issue. In the name of the spirit of Ronald Reagan, the issue should be, what do the local authorities think? What would they do? And if we are prepared to say tomorrow that we don't care what they think, it doesn't matter how opposed they are, we are going to do it anyway, Mr. President, how ironic.

How ironic, indeed. The airports authority has only had this very unique opportunity to govern themselves for 11 years. We turned over that airport to them for 50 years.

Another irony is that Ronald Reagan signed that legislation. So it, indeed, represented the spirit of the Reagan philosophy when we enacted it. All the local entities, in keeping with his spirit, said, "We'll take this responsibility. This is what is probably as indicative of what you are trying to do as anything. You are turning over the responsibility to us. Give it to us." Now they have it. They have had it for 11 years. Now the irony is we are saying, "Well, we take it back." And all the more ironic, we are going to take it back in the name of President Ronald Reagan.

So, Mr. President, the amendment I am offering simply says, look, if we are going to honor the spirit of former President Ronald Reagan, let's, at the very least, do what he said was what his Presidency was all about. Let us ensure that local governmental decisionmakers have the opportunity to have a voice in keeping with the spirit of Ronald Reagan. So the amendment I am offering is very simple. It states this act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport.

As everyone knows, the airports authority is a bipartisan panel, Republicans, Independents and Democrats. Let's do what President Reagan said we should do in honoring his name, in honoring the spirit of his Presidency. Let us not say we did not mean it in 1987. Let us not say, over your objections, we are going to do it anyway. Let's honor the spirit of this President by doing the right thing. Let's give them the opportunity to have a voice. This amendment does that. We will have the opportunity to vote tomorrow. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, I yield the floor.

EXHIBIT 1

LINWOOD HOLTON,

McLean, Virginia, January 29, 1998.

Hon. JAMES MORAN.

DEAR JIM: I am writing to you in regards to the pending legislation to change the name of the Washington National Airport to "Ronald Reagan National Airport." I had the honor of working closely with the Congress and Secretary of Transportation Elizabeth Dole in advancing the Metropolitan Washington Airport Act of 1986 to transfer Wash-

ington National Airport out of the Federal Government to the Metropolitan Washington Airports Authority. This legislation of course was signed into law by President Reagan. The Airports Authority was created by the Commonwealth of Virginia and the District of Columbia. The Federal Government leased Washington National Airport and Washington Dulles International Airport to the Authority for fifty years beginning on June 1987. I was privileged to serve as Chairman of the Authority at that time and I signed that lease on behalf of the Authority.

The purpose of the transfer, as recited in the lease itself, was to achieve "local control, management, operation and development" of the airports. I am very concerned that after ten years of this lease arrangement, the Congress now proposes to take unilateral action to change the name of the airport. This is not at all consistent with either the literal terms or the purpose of that lease agreement. Further, the change to the name as proposed, while honoring a president for whom I have the greatest respect, would be detrimental to the airport and its users and affect the traveling public in ways certainly not intended by the drafters of this legislation.

The lease grants the Authority complete control, power, and dominion over the airports. The intent of Congress, Virginia and the District of Columbia in this arrangement is clear. Even though the Federal Government continues to own the underlying land, the airport is to be treated as any other airport, not as a federal facility. In the past, there have been changes made to the lease at the request of Congress and the changes have been brought about by a mutually agreed upon agreement to the lease to secure the consent of the Airports Authority. The proposed name change legislation does not acknowledge the need to obtain the consent of the Authority and this is inconsistent with the intended relationship between the Federal Government and the Authority.

As for the consequences, the removal of "Washington" from the airport name removed the location and market identifier that is obviously very important to travelers and shippers at points distant from the Washington area. It is worth noting that well over half of those who travel through National are not residents of the Washington region. The word "Washington" provides immediate market and location information. Without it, there will be confusion that does not exist today about where the airport is and what market it serves. The cost of such loss of identity and confusion may not be readily qualified, but I believe that it would be substantial. There also are other costs such as the costs to local businesses who have associated their identities with Washington National Airport.

In conclusion, the legislation which transferred Washington National Airport to the Metropolitan Washington Airports Authority granted to the Authority the control and oversight of the airport. Unilateral action by the Congress to take the drastic action of changing the name of the airport is inconsistent with both the spirit and the intent of the transfer.

Very truly yours,

LINWOOD HOLTON.

Mr. COVERDELL. Mr. President, this amendment would be among those that the sponsors of S. 1575 would oppose. I want to first acknowledge that the Senator from Connecticut in offering his amendment, which is prospective, offered his support of the effort of the sponsors to redesignate Washington National as Ronald Reagan Washington National Airport, and that he would vote for this redesignation even though he had differences. The differences

were so pronounced I can remember them, and I was a long way from the Senate at that time.

I really believe the nature of the amendment that has just been described by the minority leader is basically a disagreement of redesignation and not so much one of the philosophical issue over local control. Of course, it isn't the Alexandria airport. It is the National Airport. Cities are constitutional instruments of States. The Governor of the State of Virginia has endorsed the redesignation of the airport which is an appropriate governing local facility.

But, again, we could argue this forever. The level of Federal Government control of operations at Washington National is without parallel in the United States. The legislation that authorized limited local authority over Washington National contains congressional directives—appropriate landing fees, employee bargaining rights. The precise composition of the Metropolitan Washington Airports Authority and political affiliations of its members is mandated by Congress, not constructed by State or local government.

By statute, the Federal Government limits the length of nonstop flights to and from National Airport—National Airport, not Alexandria—to 1,250 miles. That is the Metropolitan Washington Airports Act of 1986, section 6012. There is only one other federally imposed perimeter rule in the country, in the entire United States—Love Field, TX.

In addition, the Federal Government controls the number of slots, take off and landing rights at four "high density rule" airports: Washington National, New York LaGuardia, JFK, and Chicago O'Hare. Air carriers are limited to 37 hourly operations at Washington National; 11 hourly operations are reserved for commuter aircraft, and 12 for general aviation and business activity, all Federal mandates.

When the Federal Government authorized the lease of Washington National and its limited governance by the Washington Metropolitan Airports Authority in 1986, it codified all of the regulations of the Metropolitan Washington Airports into Federal regulations. These Federal regulations govern airport operations such as taxicab operation, nighttime noise, and landing fees. And the Federal Government has the prerogative and authority legally and emotionally to designate the name of the National Airport.

I could cite the specific authority, but in deference to time, and I know the Senator from Virginia has strong opinions and wants to be heard, I will not linger on this question. I do want to say that any amendment that creates a retroactive impoundment on Congress' ability to designate will be opposed by the sponsors.

We are pleased that there is bipartisan support for this designation. I want

to say, and I have mentioned it several times during the discussion, obviously there are disagreements on the contribution, but, as Senator DODD said, there is no disagreement about the admiration the American people have for former President Ronald Reagan. To be quite candid about it, talking about the ironies, I am not sure that the naming of the most expensive building in Washington's history is exactly in concert with President Reagan.

In conclusion, let me say that this President is wounded. He was a great American servant. He is in the sunset of his life. He is probably engaged in the most courageous battle he ever was tested for. I think sometimes extraordinary conditions and circumstances call for a spontaneous response. I am most hopeful that this legislation will be successful, and it will be successful in order to meet his 87th birthday, which is this Friday.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Virginia.

Mr. ROBB. I thank the Chair. I thank you for the characterization of Virginia.

AMENDMENT NO. 1643

(Purpose: To provide an orderly process for the renaming of existing Federal facilities)

Mr. ROBB. Mr. President, in accordance with the unanimous consent agreement, I would like to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB) proposes an amendment numbered 1643.

Mr. ROBB. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until a least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—The Advisory Group shall meet within 60 days after the date of enactment of this Act to consider proposals to rename Washington National Airport, or a portion thereof, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RENAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or

House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The Term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

Mr. ROBB. Mr. President, I was going to go ahead and allow the amendment to be read because it is not terribly long, and I think it is fairly straightforward.

I am also conscious of the fact that there are sufficient votes to pass the Coverdell bill as it was introduced. I would point out, however, that the bill was not referred to a committee. It was not subject to a hearing and does not have the benefit of any of the local input that would have been so desirable under the circumstances.

Because local views on this proposal were not considered, I made a speech in this Chamber yesterday reflecting my own views and, I believe, the views of many Virginians. My comments were similar to the views that were just expressed by the minority leader, who spoke more eloquently but came to the same conclusion.

I mentioned yesterday that I have long personally admired President Reagan's personal courage, his strong convictions, his infectious spirit, and his leadership in the national and international community. But I thought this particular legislation, because it was contrary to the wishes of all of the local governments that President Reagan worked so hard to empower, was simply not the right way to proceed.

I also suggested that renaming some other international airport, perhaps in his native State of Illinois or his adopted State of California, would be more appropriate. I talked about the fact that the most substantial Federal building ever built in Washington is going to be dedicated in his name on May 5. And I talked about the fact that the next super carrier will bear his name, and that given his role as Commander in Chief and the respect that he generated, not only throughout the United States but around the world, I wholeheartedly endorsed this designation.

The difficulty I have with the legislation before us is that it directly contravenes the legacy of the man we hope to honor. We have clear expressions of the views of the local governments. Both of the local governments, the City of Alexandria, and the County of Arlington, have expressed their concern and opposition.

In addition, my predecessor, the first Republican Governor of Virginia in this century, and a former chair of the Metropolitan Washington Airports Authority, was very explicit in his description of the intent of the 50-year

lease of the National Airport and Dulles airport, and the autonomy it provided for the Airport Authority.

I do not quarrel with the characterization of the distinguished Senator from Georgia as to some of the Federal strings that remain attached to that particular legislation. We seldom really ever turn loose anything in its entirety in this body, and I understand that.

But the bottom line is, in my judgment, this legislation disregards the views of local officials and business leaders, and thrusts the central government upon a local authority that was divorced from the federal government by President Reagan himself.

The amendment I have sent to the desk simply creates an advisory group which would take into consideration the views of the local community, and the history of a particular facility, before any renaming occurs.

There may be other approaches to this particular challenge, and in listening to the distinguished minority leader, I believe his approach would be entirely appropriate.

The problem here is that we are taking up and considering legislation that has not been considered by any committee of the Senate, that has not had any hearing. Indeed, when we have been able to ascertain the views of those who would normally be considered most interested, they have expressed reservations in various degrees. I think it would be appropriate under the circumstances, since the legislation before us today purports to honor the 40th President, if the views of either the President or Mrs. Reagan, who speaks so eloquently for him, were known on this matter. I think that would be helpful to many Members in considering this issue.

It may be entirely appropriate, after appropriate consultation, to go ahead and rename Washington National Airport.

In any event, the haste with which we move is designed, I believe, to reflect the coming birthday of President Reagan. And I would simply suggest that some consultation with the family—and specifically the President, or speaking for the President, Mrs. Reagan—might very much be in order.

A very nice ceremony, I am informed, has been planned for the dedication of the Ronald Reagan Building on May 5. The former First Lady is planning to participate, and I think all the Members of Congress will certainly be there, if not in body, then in spirit.

So I ask my colleagues to think about what we are doing, and think about whether or not this properly honors the man it is designed to honor.

The amendment I have sent to the desk will be taken up tomorrow. Again, it would create an advisory group that would deliberate on some of the issues I have raised, and report back to Congress in a timely fashion. It would not preclude any action by the Senate or the House. It would simply provide

input from some of the local governments and communities that President Reagan so strongly defended during his long and illustrious tour as President of the United States.

Mr. President, I request the yeas and nays on the amendment I have sent to the desk.

The PRESIDING OFFICER (Mr. ALLARD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBB. Mr. President, unless the Senator from Georgia wishes to take the floor at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, once again this argument, which I just simply do not understand, suggesting that the President's family somehow has to come here and seek homage, or lobby the Congress—it is an incredible argument. That family would never do that. Anybody waiting for some communique or something of that nature—I would not hold my breath.

As I said a moment ago, this is something the Nation has to feel it needs to do. It is a "thank you" that they need to express; our country, our citizens. There is no way that family would come here lobbying for this kind of thing. I am always surprised when it is suggested that we have not heard or something. That is disappointing.

Mr. President, again I want to make it clear, the sponsors are going to oppose any of these amendments that change the rules retroactively, that impose some new constraint on this redesignation or some new constraint on the Congress. The concept of putting something in place prospectively may be laudable. There are several amendments here by Members on the other side who have declared they are going to vote for the redesignation but they have another issue that they are bringing forward. I think that is appropriate. But the amendments that reach backwards are not acceptable on our side.

The argument that a local city or authority has jurisdiction here is, in my judgment, a specious argument. The Federal Government's relationship with Washington National Airport is indisputable. You cannot go to that airport without seeing the presence of it any day or any night. And the law is very clear, in terms of the Federal role in that facility. I will read the short version rather than the elongated:

The Federal Government has a continuing but limited interest in the operation of the two federally owned airports which serve the travel and cargo needs of the entire metropolitan Washington region as well as the District of Columbia as the national seat of Government.

As I said, municipalities are creatures of State governments and chartered by State governments and the Governor of the State of jurisdiction is in support of the redesignation.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF DEFERRALS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report eight new deferrals of budgetary resources, totaling \$4.8 billion.

These deferrals affect programs of the Department of State, the Social Security Administration, and International Security Assistance.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 3, 1998.

REPORT CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Latvia extending the Agreement on April 8, 1993, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (the 1993 Agreement). The

present Agreement, which was effected by an exchange of notes at Riga on February 13 and May 23, 1997, extends the 1993 Agreement to December 31, 1999.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON,
THE WHITE HOUSE, February 3, 1998.

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1996, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON,
THE WHITE HOUSE, February 3, 1998.

MESSAGES FROM THE HOUSE

At 6:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment;

S. 1349. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on Monday, February 2, 1998:

EC-3930. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to intelligence-related oversight activities for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-3931. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "Country Reports on Human Rights Practices for 1997"; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-334. A concurrent resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION 26

Whereas the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho, is vital to the economy of the State of Oregon; and

Whereas the closure of the Amtrak Pioneer service will leave many people without their only form of transportation; and

Whereas many people in eastern Oregon rely upon the Amtrak Pioneer service in the harsh winter months when bus and automobile travel is not safe and often not possible; and

Whereas the closure of the Amtrak Pioneer service will leave many people, especially the elderly and disabled, stranded without adequate transportation to medical services in distant metropolitan areas; and

Whereas the closure of the Amtrak Pioneer service will have long lasting negative economic and cultural effects on the rural communities that line the route; and

Whereas the Amtrak Pioneer service has a history and tradition with the people who use the service; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is respectfully urged to continue to fund the triweekly Amtrak Pioneer passenger railroad service between Portland, Oregon, and Boise, Idaho.

(2) A copy of this resolution shall be sent to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States and to each member of the Oregon Congressional Delegation.

POM-335. A concurrent resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION 22

Whereas the State of Oregon relies on its state trust lands to fund schools; and

Whereas the counties in the State of Oregon rely on federal timber receipts for school funds and vital elements of their infrastructure; and

Whereas responsible management of natural resources on federal land in this state is important for the economic, social and cultural stability of Oregon's communities; and

Whereas active forest management is necessary to prevent ecologic degradation by insects, disease and wildfire; and

Whereas the National Environmental Policy Act of 1969 provides a process for public participation in major federal actions significantly affecting the quality of the human environment; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The President and Congress of the United States are urged to take action to prevent the designation of any national monument in the State of Oregon without full public participation and an express Act of Congress.

(2) The recipients of this resolution shall respond to this Legislative Assembly, conveying their plan to comply with this resolution.

(3) Copies of this resolution shall be sent to the President and Vice President of the United States, the Secretary of the Interior, the Council on Environmental quality and to each member of the Oregon Congressional Delegation.

POM-336. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to Swiss bank accounts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, Switzerland has established, in accordance with a memorandum of understanding between the Swiss Bankers Association and the World Jewish Congress and World Jewish Restoration Organization, an independent committee on eminent persons to examine the issue of dormant World War II era accounts in Swiss Banks; and

Whereas, a comprehensive claims resolution process has been established, which includes the publication worldwide of the names of foreign dormant account holders from the World War II era and the creation of a board of trustees of the Independent Claims Resolution Foundation, which is being set up to operate the claims settlement process for resolving claims to said dormant accounts; and

Whereas, Switzerland has created a nine member Independent Commission of Experts to investigate the complex issues surrounding the fate of assets brought to Switzerland because of National Socialist rule; and

Whereas, Switzerland has established a special fund for needy victims of the Holocaust/SHOA, which has received contributions from the major Swiss Banks and private sector groups and institutions; and

Whereas, the Swiss public has organized several efforts to provide assistance to needy Holocaust victims; and

Whereas, Switzerland—the government, the private sector and the people—have made an overwhelming effort to rectify matters; Therefore, be it

Resolved, That, the Massachusetts General Court urges the Congress of the United States to continue its diligent efforts in seeking the resolution of the complex issues surrounding these dormant World War II era accounts in Swiss banks; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this commonwealth.

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. LEVIN:

S. 1597. A bill to establish food safety research, education, and extension as priorities of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 1598. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself, Mr. FRIST, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, Mr. SHELBY, Mr. NICKLES, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, and Mr. HAGEL):

S. 1599. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. BOND, Mr. FRIST, Mr. GREGG, Mr. NICKLES, Mrs. HUTCHISON, Mr. SHELBY, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS, Mr. HAGEL, and Mr. HUTCHINSON):

S. 1601. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; read the first time.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 1602. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; to the Committee on Labor and Human 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. BROWNBACK (for himself and Mr. ROBB):

S. Res. 172. A resolution congratulating President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 1597. A bill to establish food safety research, education, and extension as priorities of the Department of Agriculture, to require the use of a designated team within the Department of Agriculture to enable the Department and other Federal agencies to rapidly respond to food safety emergencies, and to improve food safety through the development and commercialization of food safety technology; to the Committee on Agriculture, Nutrition, and Forestry.

THE SAFE FOOD ACTION PLAN ACT

Mr. LEVIN. Madam President, I am pleased to be introducing companion legislation to a bill prepared by Congresswoman DEBBIE STABENOW entitled the Safe Food Action Plan Act.

The bill adds food safety as a new statutory priority in the U.S. Department of Agriculture's research, education and extension programs. This should mean that more of the nearly \$1.5 billion spent through existing grant and research programs, including the Fund for Rural America, will be focused directly on food safety. That's the kind of awareness that we need, to prevent and combat food supply contamination.

The bill also creates a Federal Emergency Management Agency-like ap-

proach to dealing with food safety crises. Currently, there are at least 3 agencies within the Department of Agriculture that have some responsibility for preventing and controlling outbreaks of food borne disease, not to mention the Food and Drug Administration and the Centers for Disease Control. This bill establishes a Food Safety Rapid Response Team across internal division boundaries within USDA that will coordinate with other Federal agencies. If outbreaks do occur, the American people must be confident that the government is prepared to efficiently handle and limit such public health threats.

This legislation was developed by Congresswoman STABENOW over several months with input from all parts of the food production and consumption chain and the Department of Agriculture. It is an excellent complement to the Administration's enforcement enhancement proposal. The Safe Food Action Plan is a sensible and cost-effective way to make the Federal government responsive and responsible.

I hope the Agriculture Committee will seek to move this legislation as quickly as possible, and I urge my colleagues to consider cosponsoring this important measure.

By Mr. BOND (for himself, Mr. FRIST, Mr. GREGG, Mr. LOTT, Mrs. HUTCHISON, Mr. SHELBY, Mr. NICKLES, Mr. LUGAR, Mr. ABRAHAM, Mr. GRAMS and Mr. HAGEL):

S. 1599. A bill to amend title 18, United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning; to the Committee on the Judiciary.

THE HUMAN CLONING PROHIBITION ACT OF 1998

Mr. BOND. Mr. President, today, I rise to announce that we are introducing a measure that places an outright ban on the use of somatic cell nuclear transfer technology for human cloning purposes. Recent reports that a Chicago-based scientist is prepared to move forward with human cloning experimentation forces us to engage in an immediate debate on how far out on the moral cliff we are willing to let science proceed before we as a Nation insist on some meaningful constraints. When the announcement was made last month that these efforts to raise funds for human cloning were going forward, we stated that we would move on an emergency basis to deal with this and to express, through congressional action, a strong sense that this is unacceptable and we must prohibit it. I am pleased to be joined by the distinguished cosponsors, Senators FRIST, GREGG, LOTT, HUTCHISON, SHELBY, NICKLES, LUGAR, ABRAHAM, GRAMS, and HAGEL.

I believe we no longer have the luxury of waiting around for this morally reprehensible act to occur in the United States. Less than a year ago, the cloning of Dolly, the now famous sheep, provoked a debate of unprece-

ded proportions, a debate which to this day generates polar feelings of fascination and fear. We have in this body adopted prohibition on the use of Federal funds for research on or experimentation in human cloning. The time has come for us to make that a flat prohibition and to put our country in league with other civilized countries, which are saying human cloning is not acceptable and will not go forward.

Daily news accounts about the successful cloning of animals and stories of organizations and individuals pursuing human cloning have kept the debate alive. The American public is asking if similar techniques can be used to clone humans, and they are concerned whether something that was once thought only to be science fiction is now closer to becoming a reality.

Those opposing a prohibition on human cloning suggest that we cannot put the genie back in the bottle, and that we cannot stop progress. I suggest that in this case our technological capability may be outrunning our moral sense.

The ethical implications of human cloning are staggering. We should never create human life for spare parts, as a replacement for a child who has died, or for other unnatural and selfish purposes.

How many embryos or babies would we tolerate being created with abnormalities before we would perfect human cloning? It took Scottish scientists over 276 tries before they created Dolly, and we still do not even know if Dolly is the perfect sheep. What would have happened had those 276 been badly deformed potential humans? For humans, these results are entirely unacceptable. Dr. Ian Wilmut, the leading Scottish scientist who created Dolly, himself has stated that he can see no scenario under which it would be ethical to clone human life. I believe he is right.

Moreover, in September of 1994, a federal Human Embryo Research Panel noted that "allowing society to create genetically identical persons would devalue human life by undermining the individuality of human beings."

Further, the panel concluded that "there are broad moral concerns about the deliberate duplication of an individual genome. The notion of cloning an existing human being or of making carbon copies of an existing embryo appears repugnant to members of the public. Many members of the panel share this view and see no justification for federal funding of such research."

And I would emphatically argue that those statements apply to private sector research as well.

It is also important to note that this legislation is narrowly drafted, and its sole objective is to ban the use of somatic cell nuclear transfer for human cloning purposes. We worked overtime to ensure that this language was specific so that it would only ban this technique which was used to create Dolly.

This technique has also been criticized by a representative of the pharmaceutical industry. In a prepared statement for members of Congress, dated January 13, 1998, the representative said,

While conventional cloning technology has been used extensively worldwide to meet global medical needs, nuclear transfer technology is fraught with untold failures for each partial success, and has major significant ethical issues associated with it. Furthermore, it has no strong therapeutic or economic based need driving it at this time. The concept that it is a viable alternative to infertile parents is cruel and completely unjustified. I would challenge you not to confuse the two as the Congress considers its options here.

In addition, our bill is straightforward and clear. It prevents a specific technology that is characterized by industry, researchers, theologians, ethicists, and others as "fraught with failures and lacking therapeutic value." This bill, however, does allow important and promising research to continue.

In vitro fertilization research, plant and animal cloning, the cloning of DNA, cells and tissues, stem cell research, gene therapy research and other activities taking place at the Human Genome Center offer great hope in addressing how to prevent, diagnose, and treat many devastating diseases. And these types of research will continue to thrive.

I have long been a supporter of biotechnology; however, there is a bright line between those activities and human cloning. And we must draw that line.

The belief that all human beings are unique and created by God is shared by billions of us around the world. Human cloning, or man's attempt to play God, would change the very meaning of life, of human dignity, and of what it is to be human. Are we ready for that? Hardly.

I heard a profound statement from a leading bioethicist. He said, "I have heard from many who wish they could be cloned, but I have never heard someone say that they wished they were a clone of someone else"—because cloning threatens human dignity, of what it means to be a unique individual.

There is a bright line between those activities—the legitimate activities and investigations to improve human life, to deal with the significant diseases that we have that might be ameliorated by technological research. We have to draw the line between legitimate research in medicine and human cloning.

Human cloning would devalue human life by undermining the individuality of human beings. We must show the moral courage and have the will to say no to human cloning.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act of 1998".

SEC. 2. FINDING.

Congress finds that in order to prevent the creation of a cloned human individual through human somatic cell nuclear transfer technology, it is right and proper to prohibit the creation of cloned human embryos that would never have the opportunity for implantation and that would therefore be created solely for research that would ultimately lead to their destruction.

SEC. 3. PROHIBITION ON CLONING.

(a) **IN GENERAL.**—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—CLONING

"Sec.

"301. Prohibition on cloning.

"§ 301 Prohibition on cloning

"(a) **IN GENERAL.**—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, to use human somatic cell nuclear transfer technology.

"(b) **IMPORTATION.**—It shall be unlawful for any person or entity, public or private, to import an embryo produced through human somatic cell nuclear transfer technology.

"(c) **PENALTIES.**—

"(1) **IN GENERAL.**—Any person or entity who is convicted of violating any provision of this section shall be fined according to the provisions of this title or sentenced to up to 10 years in prison, or both.

"(2) **CIVIL PENALTY.**—Any person or entity who is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not more than an amount equal to the amount of the gross gain multiplied by 2.

"(d) **DEFINITION.**—The term 'human somatic cell nuclear transfer technology' means taking the nuclear material of a human somatic cell and incorporating it into an oocyte from which the nucleus has been removed or rendered inert and producing an embryo (including a preimplantation embryo)."

(b) **CLERICAL AMENDMENT.**—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15, the following:

"16. Cloning § 301".

SEC. 4. COMMISSION TO PROMOTE A NATIONAL DIALOGUE ON BIOETHICS.

(a) **ESTABLISHMENT.**—There is established within the Institute of Medicine a commission to be known as the National Commission to Promote a National Dialogue on Bioethics (referred to in this section as the "Commission").

(b) **MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 25 members, of whom—

(A) 6 shall be appointed by the Majority Leader of the Senate;

(B) 6 shall be appointed by the Minority Leader of the Senate;

(C) 6 shall be appointed by the Speaker of the House of Representatives; and

(D) 6 shall be appointed by the Minority Leader of the House of Representatives; and

(E) 1, who shall serve as the Chairperson of the Commission, to be appointed jointly by the Majority Leader of the Senate, and the Speaker of the House of Representatives, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(2) **REQUIREMENTS.**—Each individual described in subparagraph (A) through (D) of paragraph (1) shall ensure that members appointed to the Commission are representative of the fields of law, theology, philosophy or ethics, medicine, science, and society.

(3) **DEADLINE FOR APPOINTMENT.**—Members of the Commission shall be appointed by not later than December 1, 1998.

(4) **TERMS OF APPOINTMENT.**—A member of the Commission appointed under paragraph (1) shall serve for a term of 3 years. Members may not serve consecutive terms.

(5) **MEETINGS.**—The Commission shall meet at the call of its Chairperson or a majority of its members.

(6) **QUORUM.**—A quorum shall consist of 13 members of the Commission.

(7) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy and shall not affect the power of the remaining members to execute the duties of the Commission.

(8) **COMPENSATION.**—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(9) **EXPENSES.**—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) **DUTIES OF THE COMMISSION.**—The Commission shall provide an independent forum for broad public participation and discourse concerning important bioethical issues including cloning, and provide for a report to Congress concerning the findings, conclusions, and recommendations of the Commission concerning Federal policy and possible Congressional action.

(d) **STAFF AND SUPPORT SERVICES.**—

(1) **STAFF.**—With the approval of the Commission, the chairperson of the Commission may appoint such personnel as the chairperson considers appropriate.

(2) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(3) **EXPERTS AND CONSULTANTS.**—With the approval of the Commission, the chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) **PHYSICAL FACILITIES.**—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) **POWERS OF COMMISSION.**—

(1) **HEARINGS AND OTHER ACTIVITIES.**—For the purpose of carrying out its duties, the Commission may hold such public hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(2) **DETAIL OF FEDERAL EMPLOYEES.**—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(3) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(4) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(5) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

(f) SUBCOMMITTEES.—

(1) IN GENERAL.—The Commission shall establish 6 subcommittees, including—

- (A) a subcommittee on legal issues;
- (B) a subcommittee on theological issues;
- (C) a subcommittee on philosophical and ethical issues;
- (D) a subcommittee on medical issues;
- (E) a subcommittee on scientific issues;

and

(F) a subcommittee on social issues.

(2) MEMBERSHIP.—With respect to the issues for which each subcommittee has been established, each subcommittee shall be composed of—

(A) 1 expert to be appointed by the members of the Committee who were appointed under subparagraphs (A) and (C) of subsection (b)(1);

(B) 1 expert to be appointed by the members of the Committee who were appointed under subparagraphs (B) and (D) of subsection (b)(1);

(C) 1 individual operating in the private sector who is acquainted with the issues but who is not an expert to be appointed by the members of the Committee who were appointed under subparagraphs (A) and (C) of subsection (b)(1);

(D) 1 individual operating in the private sector who is acquainted with the issues but who is not an expert to be appointed by the members of the Committee who were appointed under subparagraphs (B) and (D) of subsection (b)(1); and

(E) 4 members of the Commission with relevant expertise.

(3) MEETINGS.—Meetings of the subcommittees shall be approved by the Commission.

(g) REPORT.—Not later than December 31, 1999, and annually thereafter, the Commission shall prepare and submit to the appropriate committees of Congress a report which shall contain a detailed statement of the recommendations, findings, and conclusions of the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. UNRESTRICTED SCIENTIFIC RESEARCH.

Nothing in this Act (or an amendment made by this Act) shall be construed to re-

strict areas of scientific research that are not specifically prohibited by this Act (or amendments).

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Government should advocate for and join an international effort to prohibit the use of human somatic cell nuclear transfer technology to produce a human embryo.

Mr. BOND. Mr. President, I now yield to my distinguished colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise to support both the intent and to underscore the importance of this bill, the Bond-Frist-Gregg bill, which does address the issue of human cloning. The purpose of this bill is very straightforward, and that is to prohibit human cloning while at the same time protecting very important scientific research.

This bill does prohibit human cloning, a topic which has captured the imagination of not only the American people but really the world over the past year after the successful experiment by Ian Wilmut, the Scottish scientist who successfully cloned "Dolly," an adult sheep, using a new technique, a technique called somatic cell nuclear transfer. Public sentiment in response immediately registered, and I think appropriately so, opposition to the application of this specific technique to human beings. Fears that the "Dolly" experiment might lead to asexual human reproduction nearly drowned out pleas from the scientific community to protect legitimate cloning research at the cellular and animal level.

Congress responded to the public fear by enacting a ban on the Federal funding for any human cloning research at the embryo level, and the President soon after issued an Executive order forbidding implantation of a cloned human embryo with the use of Federal funds.

Scientists in the private sector have been left unregulated, but most research societies, appropriately I believe, adopted a voluntary moratorium on the use of somatic cell technology for the purpose of human cloning.

Since no imminent threat of human clones at the time was perceived, the issue took a back seat to the more visible items before the Congress and the country, such as balancing the Federal budget. With the exception of an occasional television show, movie or news report, cloning pretty much faded from the mental radar screen of most Americans. But then not too long ago Dr. Seed gave new life to the whole human cloning debate when he announced in a public way his intention to use the Wilmut technique to create a cloned human individual.

At that time it very quickly became apparent to virtually everyone that without Federal legislation human cloning could, and many feel would, occur in the private sector without due consideration to the ethical, social, theological and medical implications of this new and unproved technique.

Our collective instinct that human individuals should not now be cloned has its roots in the most basic feelings we have about human nature. We know that an individual is more than the sum of individual body parts, more than the sum of the various organs, and we know instinctively that the human spirit, no matter how hard we try or how good the science is, cannot be replicated. The science of somatic cell nuclear transfer is still today imperfect. Wilmut's technique can be dangerous, we know, to the cloned child. In addition, we have no idea about the long-term effects of asexual reproduction on the human gene pool or on the psychosocial structures of our world.

Quite simply, we are not prepared for a human "Dolly" experiment. And our inability to respond adequately to the moral, the ethical and the theological implications of this technology has highlighted a serious weakness in the fabric of our social structure. In too many instances we have allowed ourselves to separate scientific progress from those ethical conversations. We no longer can divorce the two. Dr. Seed and others have forced us to confront our deficits and to fashion timely answers to the timeless question: "Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?" I have used that line in this Chamber before. It is from a Washington Post editorial in October of 1994: "Is there a line that should not be crossed even for scientific or other gain, and if so, where is it?"

The debate on this particular bill, and others that address the issue of cloning, will have to center around that question, where is that line?

I have a research background. I am a research scientist. I am a transplant physician. I am committed to the public welfare through that public service of medicine and science. From that background, I personally would use four principles that I think must, in my view, be a part of any legislation as we embark on prohibiting human cloning. First, legislation must differentiate between human cloning on the one hand and animal, cellular and molecular and plant cloning on the other. It is that human dimension we must address and address very specifically in order not to halt the progress of science in those other fields.

The second principle. The legislation must be crafted very specifically with surgical precision, with laser-like precision, narrowly, yes, so that we will avoid inadvertently banning other non-targeted research, research that is critically important to improving health care for the current generation as well as that next generation, important research that we must protect in terms of stem cell research, in vitro fertilization, our search for cures of juvenile diabetes, our attack on prevention and cure of cancer.

The third principle that I would encourage my colleagues to adopt as we

embark upon this banning of human cloning is that the legislation must prevent the specific technique of somatic cell nuclear transfer, the specific technique, because of its potential to facilitate the mass production of cloned human embryos that could be created solely for research and ultimately destroyed.

Fourth, the legislation must include the creation of a new permanent bipartisan commission that is representative of the American people, representative of science, representative of our ethical thinking, representative of theology, so that we can more adequately address in a sophisticated, mature way, consistent with the science and ethical thinking of today, the many issues that are going to face us in this arena of bioethics, this rapidly oncoming onslaught of science, and very good science as we look to the future. Science is critically important as we learn better to address the ravages of disease.

Two temptations threaten both science and ethics in the current environment. On the one hand, we have the pressure on legislators, often unfamiliar with the specifics of scientific issues, to rush out and draft laws that could hamper important research efforts if we are not very careful. And on the other hand, almost in parallel, is this tendency on the part of some scientists to say, no, we don't need that type of intervention, that type of oversight of ethics, of laws. Thus we have science and we have ethics that are almost lost in this political morass and the public meanwhile stays outside, all too often frightened, uninvolved, and unengaged.

This cloning debate, I think, maybe for the first time in the history of this body, forces us to address what is inevitable as we look to the future, and that is a rapid-fire, one-after-another onslaught of new scientific technological innovation that has to be assimilated into our ethical-social fabric.

Thus, this bioethics commission is important to consider these future innovations as they come forward. Right now there are no fewer than six legislative proposals that are either on the table or soon to be on the table on this issue of banning human cloning. These bills range from a sweeping prohibition of all types of cloning to really some very symbolic bans. The National Bioethics Advisory Commission, the commission that was appointed by and that reports to President Clinton, did a good job of trying to assimilate the information on the cloning under their very short, 90-day deadline last year. But they, as hard as they tried, were unable to substantively address the ethical issues surrounding human cloning.

The commission cited at the time that they had inadequate time to tackle these difficult ethical issues in the context of our pluralistic society, and they focused primarily on scientific concerns, as well as the less abstract issue of safety—a really proscribed

area of safety, saying that the technique today is not safe or has not been proven to be safe. And then they appealed, to us, as Americans—to take this to the public square, take this out to the people around America and talk to them and look for the sort of leadership that we need on forming a national policy on human cloning.

In an effort to follow up on the recommendations of the National Bioethics Commission, the Senate Labor Committee's Subcommittee on Public Health and Safety, which I chair, on June 17, 1997, held a hearing. That hearing was entitled "Ethics and Theology: A Continuation of the National Discussion on Human Cloning." And we heard outstanding testimony on all sides of the issue, from Christian, Islamic and Jewish traditions and from philosophers and theologians, all well schooled in biomedical ethics. We launched a much broader public debate with questions about the nature of human individuality, about family, about social structure. However, the time has now shown that both a Presidential commission and the U.S. Congress are really inadequate forums to fully address the diversity, the richness, the fabric of these bioethical issues and their importance as we look to the future.

I, therefore, today, through our legislation, propose creation of a new, permanent, independent national bioethics commission, representative of the public at large, with the combined participation of experts in law, ethics, theology, medicine, social science, philosophy, coupled with interested members of the public. It is my hope that this public commission, in an environment where it can capture the diversity of our society today, will forge a new path for our country in the field of bioethics, in considering new techniques and new innovation; that they will enable us to have an informed, ongoing, thoughtful, scientific debate in the public square, without fear or politics driving our decisions.

In this proposal the majority and minority leaders of Congress would appoint members of the panel, but no current Member of Congress or administration political appointee would participate during his or her term of office. Individuals would serve for 3 years. There would be 24 such members, six subcommittees looking at the various fields that I have mentioned. Each and every citizen should have an opportunity to participate in these ongoing bioethical debates.

I anticipate that some may question the role of theology in a public policy debate. Certainly the President's advisory commission found that their considerations were incomplete without examining the religious mores of our culture. Indeed, our Founding Fathers also recognized that public policy could not be formulated in a theological vacuum. While they forbade the establishment of a state religion, they simultaneously affirmed the rights of

God-fearing people to make their voices heard in the public arena. Today, and throughout history, religion has been a primary source of the beliefs governing these decisions for men and women of all races, of all creeds.

While these four principles that I outlined earlier start as the basic foundation, we do need to reach out and receive the input of others as we embark upon consideration of this piece of legislation. With these four principles it is my hope that we can build a bipartisan coalition of support for a ban on human cloning.

I do call upon my colleagues in the scientific community to step forward and participate in the ongoing debate in good faith. We have much to gain from your expertise, and the public has much to gain from your ongoing work.

In recent days, many in the biotechnology community have argued that the mass production of cloned human embryos for research purposes is vital to their research efforts. I appeal to them this afternoon to take one step back and recognize that this legislation does not prohibit the vast majority of all current embryo and stem cell research, and acknowledge that there are serious ethical dilemmas associated with churning out human embryos as if they were products on an assembly line.

Let us have no more hedging about what is and what is not an embryo. Biologically it is clear. Proponents of embryo research have always been quite open that they are seeking to do embryo research because the embryo is biologically unique. So I say to those in the research community, this legislation does not threaten your ongoing embryo research. It does not limit your ability to experiment with stem cells, with gene therapy, with in vitro fertilization. Help us stop Dr. Seed dead in his tracks. Keep this issue focused on human cloning and join our efforts to create a new commission to deal with these issues on an ongoing basis.

The Washington Post, in 1994 said:

The creation of human embryos specifically for research that will destroy them is unconscionable. . . . Viewed from one angle this issue can be made to yield endless complexities. What about the suffering of individuals and infertile couples who might be helped by embryo research? What about the status of the brand new embryo? But before you get to these questions [the Post says] there is a simpler one.

It is the question I read a few minutes ago at the beginning of my statement and I will read it again. It is:

Is there a line that should not be crossed, even for scientific or other gain, and if so, where is it?

As the editor of the New England Journal of Medicine has said in the past:

Knowledge, although important, may be less important to a decent society than the way it is obtained.

This is where the debate will be over the next several days. I believe that an

honest ban on human cloning must begin at the level of the activation of the embryo, not later at some point, at the time of implantation. Is the Federal Government capable of preventing a woman from implanting an embryo derived from her own genetic makeup into her own womb? Is it wise to perfect our cloning techniques on embryos when we forbid their implantation? Yes, I think we need to start the ban at the time of the activation of the embryo.

In closing, it is clearly vital that our public debate and reflection on scientific developments keep pace with and even anticipate and prepare us for this, really, rush of new scientific knowledge that is coming toward us each and every day. The moral and ethical dilemmas that are inherent in the cloning of human beings may well be our greatest test to date. We don't simply seek knowledge, but we seek the wisdom to apply that knowledge. As with each of those mind-boggling advances of the last century, we know that there is the potential both for good and evil. Our task as legislators is to reflect the public trust, to define the role of the Federal Government in harnessing this technology for the good. Our task as citizens is to exercise responsible stewardship of the precious gift of life.

Mr. President, I yield the floor.

By Mrs. BOXER:

S. 1600. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Finance.

INTERNAL REVENUE CODE LEGISLATION

Mrs. BOXER. Madam President, section 415 of the Internal Revenue Code limits annual pension benefits from multiemployer plans to the average of the three highest consecutive years of income while a worker was covered by the plan. The bill I am introducing today will exempt multiemployer pension plans from the income-based limitations imposed by Section 415.

Section 415 was enacted in an effort to prevent the "gaming" which occasionally occurred in single employer pension plans. Such gaming occurred when an employee's salary was significantly increased the year before retirement in order to increase that employee's retirement benefits. Single employer plans, unlike multiemployer plans, are generally based upon an employee's salary prior to retirement. Reportedly, from time-to-time, such gaming did occur in single employer plans.

Multiemployer plans, conversely, are generally based on the number of years an employee has worked, plus the collectively-bargained-for dollar amount of contributions made into the plan. Therefore, such gaming generally did not occur in multiemployer plans. Section 415, however, does not distinguish between multiemployer plans and sin-

gle employer plans. Instead, section 415 assumes the salaries of all workers increase steadily over the course of their employment. In fact however, for many workers, particularly those that belong to multiemployer pension plans, there is no such steady increase in earnings. Rather, the salaries of these workers tend to fluctuate over the course of their employment. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not necessarily consecutive.

Congress recognized this inequity and in 1996, as part of the Small Business and Jobs Protection Act (Pub. L. 104-188), exempted public employee pension plans from Section 415. This exemption, however, was not extended to private sector employees covered by multiemployer pension plans. The bill I have introduced today exempts multiemployer pension plans, single employer plans would still be subject to Section 415 limitations.

Congressman PETER J. VISCLOSKY introduced similar legislation in April 1997 in the House of Representatives. His bill has bipartisan support in the House. I hope that my bill will receive similar support here in the Senate. Private sector employees, who are covered by multiemployer pension plans, should receive the same treatment as public sector employees. My bill will alleviate the disparity which now exists.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415 LIMIT ON BENEFITS.

Paragraph (11) of section 415(b) of the Internal Revenue Code of 1986 (relating to special limitation rule for governmental plans) is amended—

(1) in the heading, by inserting "AND MULTIEMPLOYER PLANS" after "GOVERNMENTAL PLANS"; and

(2) by inserting "or a multiemployer plan (as defined in section 414(f))" after "governmental plan (as defined in section 414(d))".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to plan years beginning after December 31, 1997.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 1602. A bill to amend the Public Health Service Act to prohibit any attempt to clone a human being using somatic cell nuclear transfer and to prohibit the use of Federal funds for such purposes, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes; to the Committee on Labor and Human Resources.

THE PROHIBITION ON CLONING OF HUMAN BEING ACT OF 1998

Mrs. FEINSTEIN. Mr. President, today, Senator KENNEDY and I are introducing legislation that would prohibit, for a period of ten years, any person from attempting to clone a human being using somatic cell nuclear transfer technology.

The reason for this legislation is simple: the cloning of a human being today remains scientifically dangerous, morally unacceptable, and ethically flawed.

Let me be clear about the intent of this legislation right at the outset: I am opposed to human cloning. I do not believe it is, or will ever be, morally acceptable to clone human beings.

This legislation was carefully drafted so that it would not prevent or interfere with vital biomedical research into cancer and other diseases, birth defects, infertility, and the mass production of drugs and vaccines.

The Bill authorizes the continuation of the National Bioethics Advisory Commission, and requires the Commission to report to the President and the Congress in 4½ years and 9½ years on the science and ethical issues associated with this technology.

The Commission's reports to Congress will also include a recommendation as to whether the moratorium should be continued beyond the ten years set by this legislation.

TECHNOLOGY OUTPACES PUBLIC POLICY

The successful cloning of a sheep in Scotland last year, using a procedure known as somatic cell nuclear transfer, was hailed as an amazing scientific success.

But it also ignited a fierce international debate about the potential use of this technique to clone human beings, and the ethical, legal and religious questions raised by such a possibility.

Chicago-area physicist Dr. Richard Seed stirred that debate into full force last month when he told the media that he intends to clone human beings.

He said that there were ten clinics in the United States interested in offering cloning services and that he believes the demand will be for over 200,000 cases per year, according to the American Medical News.

Setting aside the fact that Dr. Seed's claims are somewhat implausible at the moment given the rudimentary state of cloning technology, he did hit a nerve.

This is a classic example, in my view, of how the lightening speed with which we are able to develop new technologies can sometimes get ahead of society's ability to handle these advances.

I do not believe that, today, we know enough to permit human cloning, or to make a permanent determination about the use of this technology.

But, when writing laws that would have such an enormous impact on an entire field of science—science that includes the development of lifesaving

new therapies for disease, the prevention of birth defects, and fertility—Congress has a responsibility to be prudent and judicious in drafting legislation.

In preparing this legislation, Senator KENNEDY and I, and our staffs, met with representatives from: The National Bioethics Advisory Commission; The National Institutes of Health; The American Society for Reproductive Medicine; The Biotech Industry Association; The Department of Health and Human Services; The Food and Drug Administration.

Included in the National Bioethics Advisory Commission were members of the religious and medical ethics communities.

This bill is carefully drafted to prohibit attempts to clone a human being, while not impeding other important research involving somatic cell nuclear transfer technology, and the cloning of cells, tissues, DNA and animals.

PROCEDURE IS UNSAFE

One compelling reason to prohibit attempts to clone human beings at this time is the fact that the technology is so new that it is unsafe even in animals.

Dolly, the famous cloned sheep, was the only success out of 277 attempts, and the procedure has not been repeated successfully (although there are reports of the pending birth of at least one calf using the same cloning procedure).

The National Bioethics Advisory Commission concluded that attempting to use this process to clone humans would involve unacceptable risks to the fetus or potential children, possibly resulting in multiple miscarriages, developmental abnormalities, and unknown risks to the mother.

Even if and when concerns about safety are resolved, the ethical concerns of cloning humans still remain.

This 10-year moratorium will allow us the time to study and debate this issue fully—which we as a society need to do because the science is not going to go away, and we will have to have a greater understanding of it to make informed decisions on its use.

MUST NOT IMPEDE OTHER IMPORTANT RESEARCH

The term “cloning” is used by scientists to describe various techniques that involve duplication of biological material, both animal and human.

A blanket ban on cloning, or on use of the nuclear cell transplant technique to clone, would be too broad, and would deprive the United States—and the world—of invaluable biological research.

The cloning technique that was used to produce Dolly, somatic cell nuclear transfer, was an extension of experiments carried out over 40 years to facilitate understanding of how development of an animal from a single fertilized egg is carried out.

The agricultural industry has been using nuclear transplantation research to try to improve livestock breeding.

Biotechnology companies are exploring ways to use cloning to improve the production of therapeutic drugs.

And health researchers are hoping that a greater understanding of nuclear transplantation cloning can lead to new treatment for human disease.

CANCER

A report issued by the National Institutes of Health, dated January 29, indicates that cloned tissue culture cells have allowed scientists to test potential chemotherapies on cancerous cells, to study the cellular events leading to cancer, and to mass-produce drugs and vaccines.

DIABETES

Cloning technology, using somatic cell nuclear transfer, could teach scientists how to augment the insulin-producing cells in diabetics using cells from their own bodies.

Not only could cloning technology revolutionize the treatment for diabetes—it could potentially provide a cure for this debilitating disease.

SKIN GRAFTS

Somatic cell nuclear transfer might also be used in the future to create skin grafts for people who are severely burned.

In severe burn cases, many times there is not enough healthy skin on the victim to perform a skin graft, so doctors are forced to use skin from cadavers or skin cells grown in tissue culture.

In both cases, the skin is genetically different from the burn victim, and while it provides material for emergency grafting, this skin is ultimately rejected and the patient must undergo numerous grafting.

Somatic cell nuclear transfer cloning could allow skin to be generated from virtually any of the burn victim's cells, which would be genetically identical and therefore should not be rejected.

The life-saving possibilities for this technology are enormous:

The creation of nerve stem cells to treat neurodegenerative diseases such as multiple sclerosis, Lou Gehrig's disease, Alzheimer's disease, Parkinson's disease, and to help repair injuries of the spinal cord.

Bone marrow stem cells, for the treatment of leukemia, sickle cell or other blood diseases.

Liver cells to treat liver damage.

Muscle cells to treat muscular dystrophy and heart disease.

Cartilage-forming cells to reconstruct joints damaged by injury or arthritis.

The cloning of cells in culture has reduced the use of live animals in research and has allowed studies of human cells that could not be done otherwise.

As scientists from NIH clearly warn, without future research exploring this cloning technology, these and other potential life-saving possibilities will be unrealized.

NIH scientists also make clear that all of these possibilities can be accom-

plished without using this technology to create, or attempt to create, a human being.

A letter signed by more than 50 medical and patient organizations sent to Members of Congress last week warning very clearly of the danger in drafting legislation to ban cloning.

In the letter they say:

Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion.

THE DIFFERENCES WITH THE PRESIDENT'S PROPOSAL

The bill we are introducing today is very similar to the President's bill which he sent to Congress on June 10, 1997. But it differs from the President's in five important aspects.

First, it adds additional provisions to prevent anyone from cloning or even attempting to clone a human being. In addition to the outright prohibition on cloning a human being, the bill prohibits the use of Federal funds for such a purpose. Furthermore, the bill prohibits shipping the product of somatic cell nuclear transfer in interstate or foreign commerce for the purpose of attempting to clone a human being. This provision will ensure that no one may attempt to evade the law by shipping the product of somatic nuclear cell transfer overseas for the purpose of cloning a human being.

Second, it stiffens already tough penalties in the President's bill to deter any attempt at cloning a human being. The bill provides a penalty of \$1,000,000 or three times the gross gain or loss from such a violation, whichever is greater. In addition, the bill provides that any property used in an attempt to violate the act, as well as any property traceable to such an attempted violation, will be forfeited. Furthermore, the Attorney General, who is solely empowered to enforce the act, is granted the power of injunction to immediately enjoin violations.

Third, the bill preempts state laws that prohibit or restrict research regarding, or practices of, somatic cell nuclear transfer, mitochondrial or cytoplasmic therapy, or the cloning of molecules, DNA, cells, tissues, organs, plants, animals, or humans.

This provision is important because I believe we need a consistent national policy and we should discourage the practice of “forum shopping” from state to state for lenient laws.

This bill is not intended to preempt state laws such as California Penal Code Title 9, Chapter 12, Section 367g, and California Business and Professions Code Division 2, Chapter 5, Article 12, Section 2260, which require that physicians and other medical personnel obtain signed written consent from patients before sperm, ova, or embryos are used for any purpose other than re-implantation in the same patient or in their spouse, and require that any use

of sperm, ova, or embryos of donors comply with the written intent of the donor.

The California statutes were passed in order to address serious allegations by at least 60 California families, that medical personnel at fertility clinics at the University of California at Irvine and the University of California at San Diego transferred donors' sperm, ova, or embryos to researchers or implanted them in other women, without donors' knowledge or consent. These allegations raise grave concerns about serious violations of personal integrity and privacy. This legislation is in no way intended to preempt or interfere in any way with these California statutes, or with related statutes that would have a similar effect.

Fourth, the bill we are introducing urges the President to cooperate with foreign countries to enforce restrictions on human cloning. Other countries are moving to ban human cloning and we should join them so that scientists cannot evade our laws by moving their operations offshore.

Finally, our bill establishes a 10-year ban, as opposed to the 5-year ban in the President's recommended legislation.

It is conceivable that there could be incredible scientific breakthroughs with cloning technology over the next 3 to 5 years.

But developing a legal and moral framework for understanding of the potential use and abuse of this technology will take much longer.

This legislation sunsets after 10 years, during which time the National Bioethics Advisory Commission must keep Congress and the President informed on the status of the science, its potential uses for society, and make recommendations on whether to continue the prohibition.

Congress can extend the ban temporarily or permanently at any time during or after the ten year period if it so chooses.

CONCLUSION

Creating life outside of the normal reproductive process has challenged many of our basic beliefs—never more so than with the notion of cloning a human being.

It is important that we as a society engage in a rigorous public debate to fully understand the science, the dangers, the potential benefits, and the moral and legal implications of this technology.

Throughout history, science has empowered humankind to achieve things never before believed possible. Our challenge is to harness this power without losing control over our own lives, or the moral compass that guides us.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent to submit for the RECORD the letter to which I referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1998.

REGARDING: LEGISLATION TO BAN CLONING OF HUMAN BEINGS

DEAR MEMBER: We are writing to express our concern about legislation pending in the Congress to ban the cloning of entire human beings.

Let us be clear. We oppose the cloning of a human being. We see no ethical or medical justification for the cloning of a human being and agree with the conclusions of the National Bioethics Advisory Commission (NBAC) that it is unacceptable at this time for anyone in the public or private sector, whether in a research or clinical setting, to create a human child using somatic cell nuclear transfer technology. We recognize that this application of the technology raises fundamental ethical and social issues. This technology is not currently safe to use in humans.

The American Society for Reproductive Medicine, the Biotechnology Industry Organization, and the Federation of American Societies of Experimental Biology have all stated that their members will not seek to clone a human being. These three associations include essentially every researcher or practitioner in the United States who has the scientific capability to clone a human being.

We agree with NBAC in its report on cloning that: "It is notoriously difficult to draft legislation at any particular moment that can serve to both exploit and govern the rapid and unpredictable advances of science." Poorly crafted legislation to ban the cloning of human beings may put at risk biomedical research, such as the use of cloning techniques on human cells, genes and tissues, which is vital to finding the cures to the diseases and ailments which our organizations champion. Cancer, diabetes, allergies, asthma, HIV/AIDS, eye diseases, spinal cord injuries, Guillain-Barré syndrome, Gaucher disease, stroke, cystic fibrosis, kidney cancer, Alzheimer's disease, tuberous sclerosis, tourette syndrome, alcoholism, autoimmune diseases, osteoporosis, Parkinson's disease, infertility, heart disease, diseases of aging, ataxia telangiectasia and many other types of research will benefit from the advances achieved by biomedical researchers.

We urge the Congress to proceed with extreme caution and adhere to the ethical standard for physicians, "first do no harm." We believe that there are two distinct issues here, cloning of a human being and the healing which comes from biomedical research. Congress must be sure that any legislation which it considers does no harm to biomedical research which can heal those with deadly and debilitating diseases.

Please keep patients' concerns in mind as you proceed in analyzing this very complicated issue.

Sincerely,

AIDS Action Council; Allergy and Asthma Network/Mothers of Asthmatics, Inc.; Alliance for Aging Research; Alzheimer Aid Society; American Academy of Optometry; American Academy of Pediatrics; American Association for Cancer Education;

Association for Cancer Research; American Autoimmune Related Diseases Association; American College of Cardiology; American College of Medical Genetics; American Diabetes Association; American Heart Association; American Paralysis Association; American Pediatric Society.

American Society for Reproductive Medicine; American Uveitis Society; Americans for Medical Progress; Association of Medical School Pediatric Depart-

ment Chairmen; Association of Pediatric Oncology Nurses; Asthma & Allergy Foundation of America; A-T Children's Project; Cancer Research Foundation of America; Cancer Care, Inc.; Cancervive; Candlelighter's Childhood Cancer Foundation; Cystic Fibrosis Foundation; Foundation for Biomedical Research; Guillain-Barré Syndrome Foundation International; International Patient Advocacy Association.

Joint Council of Allergy, Asthma and Immunology; Juvenile Diabetes Foundation International; Kent Waldrep National Paralysis Foundation; Log Cabin AIDS Policy Institute; National Alliance for Eye and Vision Research; National Alliance of Breast Cancer Organizations (NABCO); National Association for Biomedical Research; National Campaign to End Neurological Disorders; National Coalition for Cancer Research; National Foundation for Cancer Research; National Gaucher Foundation; National Kidney Cancer Association; National Osteoporosis Foundation; National Patient Advocate Foundation; National Stroke Association.

National Tuberos Sclerosis Association; Oncology Nurses Association; Out-patient Ophthalmic Surgery Society, Inc.; Parkinson's Action Network; Radiation Research Society; Research! America; Research Society on Alcoholism; RESOLVE; Roswell Park Cancer Institute; Society for Pediatric Research; Tourette Syndrome Association, Inc.

Mr. KENNEDY. Mr. President, several months ago, the world learned of one of the most astounding developments in modern biology: the cloning of a sheep named Dolly. This extraordinary scientific achievement awakened widespread concern about the possibility of a brave new world, where human beings would be cloned and where individuals would seek to achieve a kind of immortality by reproducing themselves. There is widespread agreement among scientists, ethicists, and ordinary Americans that production of human beings by cloning should be prohibited, at least until the possibilities and pitfalls of this scientific procedure are better understood.

The President reacted rapidly to this scientific advance and the unprecedented issues it raised by asking the National Bioethics Advisory Commission to study the issue and make recommendations. The Commission recommended that creation of human beings by cloning should be banned for several years, and the Administration has submitted legislation to implement this recommendation.

The legislation that Senator FEINSTEIN and I are introducing today will assure the American public that reproducing human beings by cloning will be prohibited. It largely follows the President's legislation and the Recommendations of the Commission. It makes it illegal to produce human beings by cloning and establishes strict penalties for those who try to do so. In addition, it prohibits anyone from beginning the cloning process in this

country and carrying out the implantation step in another country.

But just as important as what the bill does is what it does not do. It does not seek to use public concern about cloning to establish a back door ban on research into human development.

A prohibition that goes too far could outlaw needed research on the prevention, treatment, and cure of cancer.

It could outlaw needed research on fertility, to help birth defects, and hereditary diseases.

It could outlaw needed research on the cure of spinal cord injuries.

All of these various kinds of research have broad support in Congress and the country. Yet a blunderbuss ban on human development research could easily interfere with this important and life-saving research, or even halt it altogether.

In addition, the FDA has jurisdiction over human cloning and will act vigorously to shut down any clinic that operates without FDA approval. The FDA must find that human cloning is safe and effective. Given the current state of the science, the DFA would almost certainly decide that a human cloning procedure is not safe at the current time. The FDA approval process is not a permanent ban on human cloning, but it effectively bans the procedures for the near future.

The American Medical Association and over forty national medical organizations and research groups have voiced support for the kind of research that is urgently needed to continue the progress we are making against a wide range of diseases. Benjamin Younger, the Executive Director of the American Society for Reproductive Medicine, has said, "We must work together to ensure that in our effort to make human cloning illegal we do not sentence millions of people to needless suffering because research and progress into their illness cannot proceed."

The legislation we are introducing today will do what the American people want—ban the production of human beings by cloning. It strikes the proper balance between assuring that human beings will not be reproduced through cloning and allowing needed research to continue. I hope that Congress will act promptly to enact this legislation.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment

Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 367

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 367, a bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes.

S. 729

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 729, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1264

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1291

At the request of Mr. HATCH, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 1291, a bill to permit the interstate distribution of State-inspected meat under certain circumstances.

S. 1297

At the request of Mr. COVERDELL, the names of the Senator from Arizona (Mr. KYL), the Senator from Washington (Mr. GORTON), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1334

At the request of Mr. BOND, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. SNOWE, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1563

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. BREAU), the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. SARBANES), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. LUGAR), and the

Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Resolution 96, a resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week".

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by \$2,000,000,000 in fiscal year 1999.

AMENDMENT NO. 1397

At the request of Mr. GRAMM the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE RESOLUTION 172—RELATIVE TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Mr. BROWNBACK (for Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S.RES. 172

Whereas February 4, 1998, is the occasion of the 50th anniversary of the independence of the Democratic Socialist Republic of Sri Lanka from Britain;

Whereas the present constitution of the Democratic Socialist Republic of Sri Lanka has been in existence since August 16, 1978, and guarantees universal suffrage; and

Whereas the people of the Democratic Socialist Republic of Sri Lanka and the United States share many values, including a common belief in democratic principles, a commitment to international cooperation, and promotion of enhanced trade and cultural ties; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates President Chandrika Bandaranaike Kumaratunga and the people of the Democratic Socialist Republic of Sri Lanka on the celebration of 50 years of independence;

(2) expresses best wishes to the Government and people of the Democratic Socialist Republic of Sri Lanka as they celebrate their national day of independence on February 4, 1998; and

(3) looks forward to continued cooperation and friendship with the Government and people of the Democratic Socialist Republic of Sri Lanka in the years ahead.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the

Government of the Democratic Socialist Republic of Sri Lanka.

Mr. BROWNBACK. Mr. President, I rise on behalf of Senate Resolution 172, which commemorates the 50th Anniversary of independence of Sri Lanka. I believe it is appropriate that we so mark this occasion by offering our congratulations to her excellency, President Kumaratunga and the people of Sri Lanka.

In the first five decades since Sri Lanka gained its independence from British colonial rule, Sri Lanka has held regular national elections as well as provincial and local government elections. The most recent parliamentary elections were held in August 1994, and the third presidential election was held in November 1994.

Sri Lanka has prospered economically since 1977, when it introduced economic liberalization policies which shifted the economy away from state controls, subsidies and public sector involvement to a market-oriented system in which private entrepreneurship flourishes. The U.S. is Sri Lanka's largest trading partner, accounting for 30% of the latter's exports, and over 90 U.S. companies have invested in Sri Lanka, with a heavy concentration in mining and textiles.

U.S. official relations with Sri Lanka date back to 1850 when John Black, an American merchant residing in Colombo was appointed the first American commercial agent in GALLE. Fifty years later the agency moved to Colombo and became a consulate. It subsequently became an embassy in 1948 after Sri Lanka became independent.

The exchange of bilateral visits has played an important role in strengthening the cordial relations between our two nations. Then Secretary of State John Foster Dulles visited Sri Lanka soon after its independence, and since that time members of this body as well as our colleagues in the House have regularly visited this lovely country.

Despite its prosperity and commitment to democratic principles, Sri Lanka has been plagued for many years by two domestic insurgencies, one mainly Tamil in the North, and the other mainly Sinhalese, in the South. The result has been the loss of many lives and heavy damage to property. The government has reiterated its commitment to addressing grievances articulated by these groups through dialog and the process of negotiation. Four rounds of unconditional talks with the Tamil Tiger separatists were held following the President's election in November 1994, and a cease fire was subsequently reached. This however, was breached by the separatists after 3½ months when they resumed their terrorist activity.

As a result of these terrorist actions at home, Sri Lanka has placed counter terrorism at the forefront of its foreign policy. Sri Lanka was the Vice Chair of the United Nations Ad hoc Committee on Terrorism and played an important

role in the drafting of the Convention for the Suppression of Terrorist Bombing, being the first to sign the Convention at United Nations Headquarters on January 12, 1998.

I am therefore, Mr. President, pleased to introduce this Senate Resolution. I want to commend the chairman of the Foreign Relations Committee, Mr. HELMS and the ranking member, Mr. BIDEN for their support.

I urge my colleagues to vote "yea" on this Senate Resolution.

AMENDMENTS SUBMITTED

RONALD REAGAN WASHINGTON NATIONAL AIRPORT LEGISLATION

REID AMENDMENT NO. 1640

Mr. REID proposed an amendment to the bill (S. 1575) to rename the Washington National Airport located in the District of Columbia and Virginia as the "Ronald Reagan Washington National Airport"; as follows:

At the end, add the following:

SEC. . REDESIGNATION OF J. EDGAR HOOVER FBI BUILDING.

(a) IN GENERAL.—The J. Edgar Hoover FBI Building located at 935 Pennsylvania Avenue in Washington, District of Columbia, shall be known and designated as the "Federal Bureau of Investigation Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation Building".

DOD AMENDMENT NO. 1641

Mr. DODD proposed an amendment to the bill, S. 1575, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriations of the proposed name for the facility, taking into account any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the cost.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—Notwithstanding subsection (b), the Advisory Group shall not have the authority to consider any proposal to rename Washington National Airport, or a portion of the airport, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RE-NAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—This section is enacted by the Congress—

(1) as an exercise of rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the

same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADVISORY GROUP.—The term "Advisory Group" means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) FEDERAL FACILITY.—The term "Federal facility" means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

TITLE III—SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS

SEC. 301. SENSE OF THE SENATE CONCERNING COMMISSION TO NAME FEATURES OF CAPITOL BUILDING AND GROUNDS.

It is the sense of the Senate that Congress should establish, in accordance with the rules of the Senate and the House of Representatives, commission consisting of former members of Congress, appointed by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, to recommend the naming or renaming of—

(1) architectural features of the Capitol (including any House or Senate office building); and

(2) landscape features of the Capitol Grounds.

DASCHLE (AND ROBB) AMENDMENT NO. 1642

Mr. DASCHLE (for himself and Mr. ROBB) proposed an amendment to the bill, S. 1575, supra; as follows:

On page 3, after line 5, insert the following:

SEC. 3. MWAA APPROVAL REQUIRED.

This Act shall not take effect until the Metropolitan Washington Airports Authority approves the redesignation of the airport provided for by section 1 of this Act.

ROBB (AND OTHERS) AMENDMENT NO. 1643

Mr. ROBB (for himself, Mr. DASCHLE, and Mr. FORD) proposed an amendment to the bill, S. 1575, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. FEDERAL FACILITIES REDESIGNATION ADVISORY GROUP.

(a) IN GENERAL.—There is established a Federal Facilities Redesignation Advisory Group comprised of—

(1) 2 members of the House of Representatives designated by the Speaker of the House;

(2) 2 members of the House of Representatives designated by the Minority Leader of the House;

(3) 2 members of the Senate designated by the Majority Leader of the Senate;

(4) 2 members of the Senate designated by the Minority Leader of the Senate; and

(5) the Administrator of General Services.

(b) PURPOSE.—The purpose of the Advisory Group is to consider and make a recommendation concerning any proposal to change the name of a Federal facility to commemorate or honor any individual, group of individuals, or event.

(c) CRITERIA.—

(1) IN GENERAL.—In considering a proposal to rename an existing Federal facility, the Advisory Group shall consider—

(A) the appropriateness of the proposed name for the facility, taking into account

any history of association of the individual for whom the facility is proposed to be named with the facility or its location;

(B) the activities to be carried out at, and function of, the facility;

(C) the views of the community in which the facility is located (including any public comment, testimony, or evidence received under subsection (d));

(D) the appropriateness of the facility's existing name, taking into account its history, function, and location; and

(E) the costs associated with renaming the facility and the sources of funds to defray the costs.

(2) AGE AND CURRENT OCCUPATION.—The Advisory Group may not recommend a proposed change in the name of a Federal facility for a living individual unless that individual—

(A) is at least 70 years of age; and

(B) has not been an officer or employee of the United States, or a Member of the Congress, for a period of at least 5 years before the date of the proposed change.

(d) ADMINISTRATION.—

(1) MEETINGS.—The Advisory Group shall meet publicly from time to time, but not less frequently than annually, in Washington, D.C.

(2) HEARINGS, ETC.—In carrying out its purpose the Advisory Group—

(A) shall publish notice of any meeting, including a meeting held pursuant to subsection (f), at which it is to consider a proposed change of name for a Federal facility in the Federal Register and in a newspaper of general circulation in the community in which the facility is located, and include in that notice an invitation for public comment;

(B) not earlier than 30 days after the date on which the applicable meeting notice was issued under subparagraph (A), shall hold such hearings, and receive such testimony and evidence, as may be appropriate; and

(C) may not make a recommendation concerning a proposed change of name under this section until at least 60 days after the date of the meeting at which the proposal was considered.

(3) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such meeting facilities, staff support, and other administrative support as may be required for meetings of the Advisory Group.

(e) REPORTS.—The Advisory Group shall report to the Congress from time to time its recommendations with respect to proposals to rename existing Federal facilities.

(f) PROPOSAL TO RENAME DCA.—The Advisory Group shall meet within 60 days after the date of enactment of this Act to consider proposals to rename Washington National Airport, or a portion thereof, in honor of former President Ronald Reagan.

SEC. 2. REPORT REQUIRED BEFORE EITHER HOUSE PROCEEDS TO THE CONSIDERATION OF LEGISLATION TO RE-NAME FEDERAL FACILITY.

(a) IN GENERAL.—It shall not be in order, in the Senate or in the House of Representatives, to proceed to the consideration of any bill, resolution, or amendment to rename an existing Federal facility unless the Advisory Group has reported its recommendation in writing under section 1(e) concerning the proposal and the report has been available to the members of that House for 24 hours.

(b) RULES OF EACH HOUSE.—this section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such subsection (a) is deemed to be a part of the rules of the Senate and the House of Representatives; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of

Representatives to change the rules (so far as relating to the procedure of the Senate or House of Representatives, respectively) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate or House of Representatives.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) **ADVISORY GROUP.**—The term “Advisory Group” means the Federal Facilities Redesignation Advisory Group established by section 1.

(2) **FEDERAL FACILITY.**—The term “Federal facility” means any building, road, bridge, complex, base, or other structure owned by the United States or located on land owned by the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:00 p.m. on Tuesday, February 3, 1998, in open session, to receive testimony on the Defense authorization request for fiscal year 1999 and the future years Defense program.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, February 3, 1998, at 2:00 p.m., Hearing Room (SD-406), to receive testimony from Donald J. Barry, nominated by the President to be Assistant Secretary for Fish and Wildlife, Department of the Interior; and Sallyanne Harper, nominated by the President, to be Chief Financial Officer, Environmental Protection Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 3, 1998, at 10:00 a.m., to hold a hearing.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, February 3, 1998, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

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

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE YALE LIONS CLUB

• Mr. ABRAHAM. Mr. President, today I rise to celebrate a momentous occasion for Lions Club of the City of Yale, Michigan. On Saturday, February 14th, the Yale Lions will commemorate their 50th anniversary. I am pleased to have the opportunity to offer my congratulations for this auspicious event.

The Lions Club is dedicated to community service, and for half a century Yale Lions have worked to benefit the entire City of Yale. At the crux of membership in the Lions Club is the desire to help fellow citizens, and their shining examples of service have been displayed to the whole community. Consequently, tremendous growth has occurred and membership continues to expand, with the number of members nearly tripling since the Club was founded many years ago. The strong commitment to helping other individuals is outstanding, and I commend each member of the association for all their tireless efforts.

Again, I wish to express my warmest wishes for a successful event. I thank the Lions Club of Yale for their ceaseless commitment to their community, and wish the organization a bright future.●

COMMENDING GAO ASSISTANT COMPTROLLER GENERAL J. DEXTER PEACH

• Mr. GLENN. Mr. President, I rise today to pay homage to one of our Nation's most dedicated and loyal public servants, Assistant Comptroller General of the United States, J. Dexter Peach.

On January 2nd of this year, J. Dexter Peach retired following a distinguished 38-year career with the United States General Accounting Office, capped by 15 years as an Assistant Comptroller General.

Mr. Peach began his career with the General Accounting Office in 1960, rising through the evaluator ranks to lead two of its major divisions—Energy and Minerals and the Resources, Community and Economic Development Divisions—serving as Assistant Comptroller General for the latter. He is an acknowledged subject matter expert on a wide variety of national programs and policy issues dealing with energy, environment, natural resources, and economic development matters and has an in-depth understanding of federal legislative and regulatory processes. As Assistant Comptroller General for Planning and Reporting, Dexter Peach had broad responsibility for maintaining the Office's planning system and assuring the overall quality of the agency's planning system and assuring the overall quality of the agency's products.

Mr. President, I had the privilege of working with Dexter Peach in my ca-

capacity as both Chairman and Ranking Minority Member of the Senate Committee on Governmental Affairs. His critical work relating to energy issues after the OPEC embargo in 1973, earned him the Comptroller General's Award for contributions to energy issues of national importance. He has also received three Federal Senior Executive Service Rank Awards—a Distinguished Rank and two Meritorious Ranks. The American University also distinguished him with their prestigious Roger W. Jones Award, bestowed annually to a career federal civil servant for outstanding public service.

Mr. President, the General Accounting Office was created in 1921 with the mandate to audit, evaluate, or investigate virtually all federal government operations—wherever they might take place. In other words, the GAO serves as a “watchdog” over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

GAO evaluations under Dexter Peach's guidance and leadership have saved taxpayers billions of dollars. During his career as Assistant Comptroller General, Congress has implemented numerous recommendations resulting from his work—including budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements. He has also been instrumental in assisting the Congress by directing reports on the costs of cleaning up nuclear weapons complexes, environmental crises such as the Exxon/Valdez oil spill, efforts to preserve and protect the nation's drinking water, and issues dealing with the deregulation and safety of the airlines industry.

In short, Mr. President, Dexter Peach's tenure at GAO has been characterized by success on every level; throughout his career, he has served as an example of a truly exceptional public servant. I am sure I speak for all of us here in the Senate in giving recognition to a man who has served this Nation with integrity, dedication, honor, and diligence—Assistant Comptroller General J. Dexter Peach.●

TRIBUTE TO DAVE MOORE

• Mr. GRAMS. Mr. President, it is with great sorrow that I rise today to acknowledge the passing of my former colleague Dave Moore on January 28, and with great joy that I recall his memory and the happiness he brought to Minnesota television viewers for over thirty-four years.

Dave Moore was hired by WCCO Television in Minneapolis for a series of announcing jobs in July of 1950. At the onset of daily newscasts at WCCO in 1957, Dave was placed at the helm of the 10 p.m. broadcasts.

For the next thirty-four years Dave would become a fixture on Minnesota television and a true icon. It is difficult to imagine that in July of 1957 the management of WCCO, and quite possibly Dave himself, knew that Dave

would become such an legend. Scores of Minnesotans would tune into WCCO news each night and hear Dave's friendly voice as he reported the news with his warm, yet serious, demeanor.

Trained as an actor at the University of Minnesota, Dave reported the news with the spontaneity, flair, and wit that only an actor could provide. Dave's acting talents made it possible for him to venture beyond his role as an anchorman to his role on "Bedtime Nooz" where each Saturday night between 1962 and 1971 he would take a satirical look at current events.

Dave's broadcasting success was acknowledged by a number of awards and honors, including the Mitchell V. Charnley Award in 1983, as well as being named Outstanding Broadcast Personality of 1991 by the Minnesota Broadcasters Association. In addition, "The Moore Report," a documentary and public interest program hosted by Dave, won numerous awards, including the George Foster Peabody Award for its special titled "Hollow Victory: Vietnam Under Communism."

As a truly gifted orator, Dave used his talents to serve his community by doing volunteer reading for Radio Talking Books for the Blind, and making frequent visits to local elementary schools to read to the students.

A native of Minneapolis, Dave was quite content with establishing his career in the his hometown, untempted by the possibilities available to a person of his talents. Dave was the most visible personality on WCCO when it was at its pinnacle, yet that did not cause him to shy away from the public. Dave often acted in community plays and could be frequently seen around Minneapolis simply participating in life in the city he loved as just another one of its ordinary citizens.

Mr. President, I wish to offer my sincerest condolences to Dave's family and on behalf of the citizens of Minnesota reassure them that we all share in their loss. At the conclusion of his last broadcast on December 6, 1991, Dave expressed his sentiments by simply stating, "There will be no maudlin, tearful farewell, just a simple, but very heartfelt thank-you to all of you for your support down through the years. I've been very touched by it." Thank you Dave, you touched us as well.●

COMMENDING VICKI DONOVAN AS THE 1998 NEW HAMPSHIRE TEACHER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Vicki Donovan for being named New Hampshire's 1998 Teacher of the Year. Vicki is a fourth-grade teacher at Belmont Elementary School, where she has taught for eleven years. I commend her outstanding accomplishment and well-deserved honor.

Vicki, who lives in Belmont, will spend the next year representing New Hampshire's teachers at various state-wide and regional functions. As New

Hampshire's Teacher of the Year, she will be considered for the National Teacher of the Year Award sponsored by the Council of Chief State School Officers and Scholastic, Inc. The National Teacher of the Year Program is the oldest and most prestigious honors program to focus public attention on excellence in teaching. New Hampshire's Commissioner of Education, Elizabeth Twomey, named Vicki the Teacher of the Year.

Vicki's accomplishments as a teacher are numerous. She organized Belmont Elementary School's yearbook in her first year there, and has taught at several grade levels in the elementary school. She is involved with the Belmont Elementary School Support Group, B.E.S.T., and has served on the town's Civic Profile Committee, Government Study Group, and Youth and Education Committee.

In addition to her numerous extracurricular accomplishments, Vicki has excelled in perhaps the most important area: her students. Vicki's students say their experience with her as their teacher marked their best year in school.

New Hampshire has always been fortunate to have many talented teachers, but Vicki Donovan is certainly a role model among teachers of the Granite State. As a former teacher myself, I am proud of her commitment to education and congratulate her on this distinguished achievement.●

IN RECOGNITION OF PEGGY POSA

● Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to a remarkable woman from Michigan, Peggy Posa. Peggy is retiring after more than ten years of service as Executive Director of the Coalition on Temporary Shelter (COTS).

Before Peggy Posa arrived, COTS was considered an important emergency shelter for homeless people in Detroit. By providing this service alone, COTS was a key part of the network of community organizations which serve underprivileged residents of Detroit. Under Peggy's leadership, however, COTS has grown to be considered one of Michigan's most respected providers of housing and comprehensive services for homeless people. She led COTS through an expansion and renovation of three shelter facilities; the creation of twenty-three units of permanent supportive housing for frail, elderly and mentally challenged individuals; the creation of three transitional housing programs; and the development of a variety of support services designed to assist people seeking to regain economic self-sufficiency and decent, affordable housing.

Peggy Posa is widely admired as an innovative and tireless leader on issues related to the problem of homelessness. While she is retiring from her full time responsibilities, she has said that she will continue to be involved with COTS on a part time basis. I have no doubt

that her colleagues and the people she serves are grateful for her continued dedication and support.

Mr. President, Peggy Posa and COTS can take pride in the fact that they have truly succeeded in helping people to change their lives. I hope my colleagues will join me in saluting Peggy's commitment to her community and in wishing her well in her retirement.●

PRESIDENT EDUARD SHEVARDNADZE

● Mr. BROWNBACK. Mr. President, last Friday, January 23rd, was the birthday of President Eduard Shevardnadze. This is a man whose active and courageous involvement helped bring the cold war to a peaceful end and who is now rebuilding Georgia from a ruinous civil war. He has taken a courageous position, even in the face of assassination attempts, to bring about and maintain the independence of freedom of his native country, Georgia.

Mr. Shevardnadze is working hard to bring about difficult economic reform and to build an independent legislative branch. He has introduced some remarkable changes in Georgia: he introduced a new currency, adopted and implemented a new constitution, removed mafia leaders from powerful positions, secured the transportation of Caspian oil through Georgia and has worked hard at establishing regional cooperation with other leaders in the Caucasus and Central Asia. His dedication to furthering independence, economic prosperity and harmony in the region places him as a historic world figure. Mr. Shevardnadze's achievements should be noted and recognized on the occasion of his 70th birthday.

I ask that my letter to President Shevardnadze be printed in the RECORD.

The letter follows:

WASHINGTON, DC,
January 23, 1998.

His Excellency President SHEVARDNADZE,
President of Georgia,
Tbilisi, Georgia.

DEAR PRESIDENT SHEVARDNADZE, I am writing to congratulate you on the occasion of your 70th birthday and to take this opportunity to acknowledge your courageous work in building a free and independent Georgia. Your initiatives in promoting and advancing the economic and political freedom of your country are well noted by your friends and admirers throughout the world and place you as a historic world figure. Please count me as one of those who acknowledges your great contributions to the creation of a better world.

As Georgia continues to develop and improve, let us hope that our nations will share the fruits of our labors through peace and security for all the newly independent states. The challenges to this are real, but with men of vision such as yourself, it is my belief that this can be accomplished.

I hope our paths will cross on the "Silk Road" before your next birthday and I can extend to you personally my best wishes and regards. Again my sincere congratulations on your birthday, please accept my heartfelt

wishes for your continued vigor and commitment to your native land which now has the honor and privilege of your full attention. May this year be your most fulfilling and productive yet.

Sincerely,

SAM BROWNBACK,
U.S. Senator.●

SENATOR JOHN BURTON

● Mrs. BOXER. Mr. President, today I want to congratulate California State Senator John Burton as he assumes the role of President Pro Tempore of the California State Senate.

When I was first elected to the U.S. Congress in 1983, it was the seat of Congressman John Burton in which I served.

Then, as now, I never forgot his advice to me: "Believe in yourself, follow your heart, and don't be afraid."

That advice has never let me down.

Senator John Burton is an inspiration to many people. His life and success are triumphs of hope and determination.

It is a widely known fact that Senator Burton struggled with addiction in the past and had to step back from politics for a time to reclaim his life.

John Burton earned his way back into the political life of California much in the way that he first entered it—as a champion of people too often overlooked or undervalued.

John Burton's career is a testament to the virtues of loyalty, consistency, courage and service. For all his work and spirit have meant to those he has touched, it is no wonder his colleagues elected him to lead them in the California Senate.

Even though I can't believe I have to call him "Mr. President," as a United States Senator, I couldn't be more proud!●

MONTANA TEEN DAY

● Mr. BURNS. Mr. President, today, Tuesday, February 3, 1998, has been declared Teen Day throughout the State of Montana. This celebration is an opportunity to honor and recognize Montana's outstanding teens for their accomplishments and contributions.

On this special day, events and activities across Montana are being held to acknowledge these young individuals for their achievements and contributions to their community. Teen Day is also an opportunity to congratulate teens for continuing to choose healthy lifestyles, such as not

smoking, not taking drugs, and not drinking.

Montana's youth are more likely to be enrolled in school, graduate and attend college than the national trend. For our future business owners, professionals and community leaders, Teen Day 1998 is a time for all Montanans to recognize its young citizens and continue to acknowledge and encourage their scholastic, social and community pursuits.●

MEASURE READ THE FIRST TIME—S. 1601

Mr. COVERDELL. Mr. President, I understand that S. 1601, which was introduced earlier today by Senator LOTT, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The bill will be read for the first time.

The legislative clerk read as follows:

A bill (S. 1601) to amend title 18 of the United States Code, to prohibit the use of somatic cell nuclear transfer technology for purposes of human cloning.

Mr. COVERDELL. Mr. President, I now ask for its second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR WEDNESDAY, FEBRUARY 4, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, February 4; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to morning business, not to exceed 30 minutes, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator STEVENS, 10 minutes; Senator WARNER, 5 minutes.

I further ask unanimous consent that at 10:30 a.m., the Senate resume S. 1575

and that there be five consecutive votes, with 4 minutes equally divided before each vote for explanation; that following the vote with respect to amendment No. 1642, the bill be immediately advanced to third reading and passage occur, all without further action or debate. I further ask that all amendments be in order, regardless of the fact that some of the amendments are in the form of a substitute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, following those votes, at approximately 12 noon, the Senate can be expected to begin the nomination of David Satcher to be Surgeon General. It is the leader's hope that a confirmation vote could occur before the close of business on Wednesday or set by consent to occur on Thursday morning. Therefore, Senators should be on notice that up to five consecutive rollcall votes will occur beginning at approximately 10:35 a.m. on Wednesday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, February 4, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1998:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. JAMES M. LOY, 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3, 1998:

THE JUDICIARY

CARLOS R. MORENO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

CHRISTINE O.C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (RE-APPOINTMENT)