

one of these options would be preferable to the existing income-tax system.

So why, many people will ask, have we not been able to settle on one of them and act on fundamental tax reform? The answer is that, while there is overwhelming public consensus in favor of an overhaul of the Tax Code, a public consensus has yet to emerge in favor of a sales tax over a flat tax or some alternative. And given President Clinton's lack of support for fundamental tax reform, it is likely to take a public consensus, the likes of which we have not seen in recent years, to drive such a tax-overhaul plan through Congress, past the President, and into law.

Steve Forbes made tax reform the central theme of his campaign for the presidency two years ago. He carried Arizona in the Republican presidential primary, in large part because his tax plan resonated among the people in my state. Yet he failed to win the nomination, and neither Bill Clinton nor Bob Dole pursued the issue with as much passion or conviction. And it will take a national campaign to build the kind of consensus that will be needed to move forward with fundamental tax reform, which is probably the most momentous undertaking of the century.

The IRS reform bill, Finance Committee hearings about taxpayer abuse by the IRS, the Kemp Commission's recommendations in favor of fundamental tax reform, new proposals to sunset the IRS Code, and the debate that sponsors of the flat tax and sales tax have taken on the road in recent months, will all help to move the discussion forward.

In conclusion, we can pass an IRS reform bill to try to rein in the IRS and make sure that it treats taxpayers fairly, reasonably, and respectfully. But let us not fool ourselves. The IRS cannot be faulted for a Tax Code that is too complex and filled with contradictory provisions.

Until the Tax Code is simplified, problems in one form or another are likely to persist. We must use this opportunity to begin the debate about fundamental tax reform.

Mr. WELLSTONE. Madam President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF JAMES C. HORMEL

Mr. WELLSTONE. Madam President, I rise today with a little bit of sense of sadness to bring to my colleagues' attention the nomination—I guess I will add, and indignation—the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. As is the case too often up here, the nomination has been put on the shelf, held by a "hold" at the request of a few Senators.

Before I talk about the reasons for the "hold," I want to talk briefly about the history of the nomination and

some facts about the nominee, Mr. Hormel, and his background.

Last fall, following a hearing on his nomination, the Senate Foreign Relations Committee voted 16 to 2 in favor of Mr. Hormel. This vote took place November 4, 1997. Originally, it was a voice vote. It was approved. That means by unanimous vote. Two Senators then requested to have a recorded vote and went on record in opposition. So it was a 16-2 vote in the Senate Foreign Relations Committee. That is a very strong vote.

The nomination was placed on the Executive Calendar. And despite the fact that the Senate confirmed every other Foreign Relations Committee nominee before the close of the first session—some 50 nominees in total—Jim Hormel's nomination was left languishing because of "holds" placed on it by a few Senators.

Madam President, that such a distinguished and qualified nominee would face opposition is on its face hard to understand.

Jim Hormel is first and foremost a loving and devoted father of five and a grandfather of 13. His entire family has been unflinchingly supportive of his nomination. And people who know him well say he is decent, patient and a very gentle person.

Madam President, I was very moved by a letter from Alice Turner, former wife of James Hormel, a letter written to the majority leader, Senator LOTT, supporting her ex-husband's nomination. And I quote:

I have known Jim for 46 years and for ten of those years I was married to him . . . I grew to understand the terrible prejudice and hatred that he knew he would have to face . . . and is facing as he goes through the difficult process this nomination and its opponents have put him through . . . I share with you these personal things because I gather his personal ethics have been questioned. If anyone on this earth could come close to judging that it would be me. He is a wonderful father, grandfather and friend . . . Jim Hormel has given enormously to his family, his community and to this country. He is just asking to be allowed to give one more time. This is a good man. Give him a chance.

End of quote to Senator LOTT.

His professional credentials are equally impressive. He is an accomplished businessman. He serves as chairman of Equidex, an investment firm, and he serves as a member of the board of directors of the San Francisco Chamber of Commerce.

He has also spent time as a lawyer and as an educator. He served as a dean and assistant dean of students at the University of Chicago Law School. In addition, he currently serves as a member of the board of members of his alma mater, Swarthmore College.

Let me just give my colleagues a sampling of the kind of organizations he served on, impressive in its breadth as well as its diversity. In addition to his support for Swarthmore and the University of Chicago, he has provided resources and assistance to the Vir-

ginia Institute of Autism, Breast Cancer Action, the American Foundation for AIDS Research, the American Indian College Fund, the United Negro College Fund, the NAACP, the Institute for International Education, the Human Rights Campaign Foundation, Catholic Youth Organization, Jewish Family and Child Services, the San Francisco Museum of Modern Art, the San Francisco Public Library, the San Francisco Ballet, and the San Francisco Symphony.

Many of these organizations have honored him with awards. His commitment to public service and his commitment to the cause of human rights came together when he was named as a member of the United States delegation to the 51st U.N. Human Rights Commission in Geneva in 1995. And there he helped the United States press its case for improved human rights in nations as diverse as China, Cuba, and Iraq.

Finally, he was nominated in 1977 to serve as an alternative representative on the U.S. delegation to the 51st General Assembly.

There is an irony because on May 23, 1997, the same U.S. Senate that opposes his nomination, not letting us have a vote, unanimously confirmed James Hormel to represent this country at the United Nations.

Madam President, it seems clear to many of us why some Senators do not want to allow a vote on James Hormel's nomination. It is because James Hormel is gay. In a queer, unquestionable case of discrimination, these Senators refuse to let the full Senate vote on a qualified nominee because of his sexual orientation. Surely, the U.S. Senate does not want to be party to this kind of discrimination.

James Hormel is exactly the kind of person who should be encouraged to engage in public service. He is intelligent, civic-minded, generous, and he is a person of proven accomplishment who wants to serve our country. We need people like him in public service. We cannot afford to drive him away because of his sexual orientation.

So, Madam President, this is a matter of simple fairness. We have before us a qualified nominee, with broad support, approved by the committee of jurisdiction. We should at least be allowed a vote on the floor of the U.S. Senate. If people have concerns, let them express them. Let us have a debate, and let us address them, but let us give James Hormel a chance. Let us have a vote.

So I call on the majority leader to schedule a vote on James Hormel's nomination. I call upon those who have a hold to allow the nomination to reach the floor. If other Senators wish, let us debate the qualifications. But it is wrong to prevent the Senate from having an up-or-down vote on this nomination.

Some of the Senators who have holds on this nomination claim that it is not

because he is gay. They claim it is because of his views on certain issues involving gay rights or something to that effect. The truth is, I do not know exactly what their objections are.

But there is a more important truth. If Senators disagree with this nomination, let them come to the floor. Let us debate this out in the open. That is what the tradition of the U.S. Senate about deliberative action is all about. So I challenge my colleagues who have holds on this nomination to come to this very floor, explain why they believe James Hormel is unfit to become an American Ambassador because he happens to be gay. Let other Senators and the American people judge on the merits of this argument.

The issue is a very simple one. We have a qualified nominee who was resoundingly approved by the Senate Foreign Relations Committee. He is entitled to a vote. And as a United States Senator, I am entitled to cast my vote for him.

Madam President, I have language which would be a sense of the Senate to express the intention of the Senate to consider the nomination of James Hormel as United States Ambassador to Luxembourg, that the Senate would make clear its intention to consider this nomination before a certain date and to vote. I will not bring this amendment up on this bill. But this is an amendment that I will bring to the floor of the U.S. Senate on another bill. It is time for us to speak up. It is time for us to deal with what is an injustice.

Mr. President, I will work with my colleagues from California, Senator FEINSTEIN and Senator BOXER. And I will work with other colleagues as well.

Let me just conclude by reading on this matter—and I say to my colleague from Arkansas, I have just one other matter in morning business to cover, and I shall be brief—from the Fort Worth Star-Telegram, "Senate Should Be Allowed To Vote." In an editorial calling for Republicans to let the Senate vote on James Hormel, the Fort Worth Star-Telegram writes:

Conservatives, like Sens. Gordon Smith of Oregon and Orrin Hatch of Utah take him at his word and support his nomination. Some others, harking to conservative groups that are part of the GOP constituency, do not. Yet they say the issue is not his sexual orientation. If it is not, then the Senate should be allowed to vote, yea or nay. If sexual orientation actually is the issue, then the Senate needs to take a look at itself in the mirror.

I repeat that. "If sexual orientation actually is the issue"—I say this to the majority leader. I call on the majority leader to bring this matter before the Senate for a vote. I quote the Fort Worth Star-Telegram, the conclusion:

If sexual orientation actually is the issue, then the Senate needs to take a look at itself in the mirror.

We will not know until we have this nomination out on the floor. And we must do that. I hope the majority leader will take action. I have an amend-

ment that I will bring to the floor if that is what is necessary. I think it is time for all of us to speak up.

Madam President, I just have one other matter that I want to cover in morning business.

HEALTH CARE

Mr. WELLSTONE. Mr. President, let me just briefly speak to one major public policy question that we will deal with in the U.S. Senate. I want to talk about something that has happened in the past couple of years which has had a major impact on the lives of people in Minnesota and across the country. I think people are scratching their head and trying to figure out when we had a referendum on this or when we voted.

The topic is all the ways in which large insurance companies are dominating managed health care plans, all the ways the pendulum has swung so far in the other direction. Many citizens that need the care cannot get the care they needed.

Jenna Johnson is only 15 years old. She suffers from cerebral palsy, seizures and a deteriorating condition called dystonia, which causes her to lose most of the muscle control in her body. She takes multiple prescription medications, undergoes countless hours of physical therapy, and relies on special medical equipment to live her life. Her treatments have nearly broken her body, colleagues, but her spirit and determination remain firmly intact.

In the spring of 1966 Jenna's dystonia worsened. She was fragile from weight loss caused from the 22 pills she took daily to combat her symptoms. The medication caused serious side effects, ranging from damage to her stomach lining to psychotic episodes. The Johnsons found a specialist, a world-renowned pediatric surgeon in Pittsburgh that was an expert in treating conditions similar to Jenna's. He had the expertise in testing and surgery to place an internal pump and catheter to deliver medication.

To make a long and very painful story short, this procedure was Jenna's only hope. She was slipping away before her parents' eyes.

Minnesota is a great health care State. We have the University of Minnesota. We have the Mayo Clinic. Many people from other States—Delaware, Nebraska or Arkansas—quite often are referred to our State. But in this particular case, the expert that could help was a pediatric surgeon in Pittsburgh. The doctor was out of the plan and out of the State and the Johnsons were out of luck.

The request for the procedure was immediately denied. After an appeals process of more than 30 days and countless visits to local doctors and letters to doctors in Pittsburgh and the HMO, the Johnson's plan finally allowed Jenna to undergo the procedure.

It is wrong, Madam President, when a sick child and her family have to spend all of their time and energy

fighting their health plan to get the care their child needs.

Let me just simply say that, again, Jenna has had to struggle with the illness. Again, the Johnsons had to try to figure out how to get additional help. And again, after many appeals, the care was first denied and finally given care.

I want to simply point out what has now happened is that the Johnsons have been switched to another HMO and they have been told that any additional care that Jenna might need will be denied outright. Any additional care this courageous 15-year-old young woman will need will be denied. They are out of luck. The Johnson's family is at their wit's end. Jenna's family has joined several HMOs and they can still not find one that will provide the most basic of medical needs without dealing with an overly burdensome corporate review.

Now, let me just quote Jenna's mother, if I could, because I think this gets to what we are dealing with. Her mother, Cynthia, stated, "Why, at a time of crisis, is emergency medical care denied? . . . If my daughter should have another emergency, what will we do?"

She feels vulnerable. She wants to get the care for her daughter, and because of the current situation in our country, she can't do it.

Now, Madam President, the pendulum has swung way too far. We talked about containing costs. Fine. But where is the protection for consumers? What happens to families that are dealing with chronic illnesses? What happens to families that need specialty care? What happens to families who are trying to get the best possible care for their children?

We have now moved to a system in our country which is increasingly corporatized and bureaucratized, where the bottom line has become the only line. We need to make sure that there is some protection for consumers.

I think there are three issues, and I will summarize them: One, who gets to define "medical necessity?" It is outrageous that doctors, nurses, nurse practitioners and nurse assistants, who know what needs to be done in treating a child like Jenna, or an adult, today find themselves unable to provide the kind of care they thought they would be able to provide to people when they were in medical and nursing school. They should be making the decision.

Secondly, it is just outrageous—we are talking about something called point-of-service option; people find themselves moved from one plan to another, from one year to another, and all of a sudden you have seen a doctor or have been to a clinic with your children and you are canceled out. You no longer have an option of being able to see a doctor or a clinic that has taken care of you and your children for a decade plus. All the trust, all the rapport, all of what makes for good medicine, goes out the window.

Finally, we have to make sure that if we are going to pass a strong Patient