RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 2:45 p.m. having arrived, the Senate will now stand in recess until the hour of 3:45 p.m.

Thereupon, the Senate, at 2:45 p.m., recessed until 3:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, what is the order?

The PRESIDING OFFICER. The pending business is Senate bill 2312.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MAN'S LONGING FOR IMMORTALITY SHALL ACHIEVE ITS REALIZATION

Mr. BYRD. Mr. President, we have just returned from a most moving ceremony in the great Rotunda of the Capitol. The flag-draped coffins of Officer Chestnut and Officer Gibson, who died while doing their solemn duties protecting the public, the employees, and the members of the institution they served, rested imposingly on catafalques, mere yards from where these two brave men were brutally cut down by an armed assailant on last Friday. The sublime majesty of the great marble dome rising above us was somehow magnified by the solemn and eerie silence which was broken only by an occasional cough. The sense of loss was palpable. Sadness permeated the very air.

Such times as these cause all of us to ponder anew the fragile brevity and uncertainty of the human condition. Officer Chestnut was apparently writing directions for a tourist—doing a kind deed—when his life was suddenly ended. I am sure that when he arose and dressed for work on Friday morning he expected nothing more than an ordinary day, followed by a night at home with his family and the simple pleasures of a sunny weekend.

Officer Gibson, as he began his day, likewise, probably had no expectations of the bloody gun battle which would, in just hours, mean his death. It is at times like these, when we witness the anguish of families and friends trying to cope with the incomprehensible reality of brutal and sudden death, that some may wonder how a just God could allow such seemingly mindless violence and misery. In the face of such tragedies, some may even question the very existence of a Creator. We reach for answers that elude our grasp. Why do such things happen? What, after all, is the point of human existence? It seems that our faith is tested most severely when good men senselessly die.

Yet, the proof of a living Creator is in abundant evidence all around us. It is in the perfection and order of the natural world in which we live. It is in the beauty and endless variety of the millions of species which inhabit the planet. It is in the mystery and complexity of the human genetic code. It is in the intangible and unconquerable bravery of the human spirit. It is in the magnificence of the wonders which modern science daily unveils. And I, for one, find no disparity between scientific discovery and God's living word in the Holy Bible.

Genesis, the first book of the Bible, gives the account of all Creation, tells of the establishment of the family, the origin of sin, the giving of divine revelation, the development of the human race, and the inauguration of God's plan of redemption through its chosen people. Genesis takes the reader to the moment when the omnipotent Creator spoke into being the matchless wonders of sun, moon, stars, planets, galaxies, plants, and moving creatures, and man, whom He made in His image. It is the first book of the Pentateuch, which both Scripture and tradition attribute to Moses.

If a student expects to find in Genesis a scientific account of how the world came into existence, with all questions concerning primitive life answered in technical language familiar to the professor or student of science, he will be disappointed. Genesis is not an attempt to answer such questions. It deals with matters far beyond the realm of science. Yet, I have not personally read of any disagreement within the science community concerning the chronological order of the events of creation as set forth in the book of Genesis. Instead of disagreement, it has been my perception that there is agreement.

The opening sentence of the first chapter of Genesis states, ''In the beginning God created the heaven and the earth.'' That is as far back in time as one can get—''in the beginning.'' And it could include a billion years or ten billion years or 500 billion years.

The second sentence of Genesis, Chapter 1, reads as follows: ''And the earth was without form, and void; and darkness was upon the face of the deep.'' I doubt that any scientist would disagree with this.

According to the account in Genesis, God then divided the light from the darkness, and scientists agree that there could have been cosmic light before the sun, moon and stars were created. The Creator then proceeded to divide the waters and to let the dry land appear. The dry land was called ''earth,'' and the gathering together of the waters was called ''seas.''

The next step as related by Genesis was the bringing forth of grass, the herb yielding seed, and the fruit tree yielding fruit.

Then, according to Genesis, God said, ''Let the waters bring forth abundantly the moving creatures that have life, and fowl that may fly above the earth in the open firmament of heaven.

''And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind.''

On the scientific side, facts from fossils, plus other data, have shown that mammals (animals with solid bones, warm blood, lungs that breathe air, and nourish their young with milk) form the final stage in a long series of development, which began with tiny sea-dwelling creatures. Scientists seem to think that an early type of fish was the ancestor of amphibians and thereafter evolved into mammal-like reptiles. The primitive amphibians also branched into creatures with wings and thus became birds and other fowl. Great changes occurred over time. Primitive true mammals, according to science, lived during the age of reptiles and these were the probable ancestors of the mammals alive today.

Returning, now, to the biblical account of Creation, by the conclusion of the ''fifth day,'' God had said: ''Let the earth bring forth the living creatures after his kind, cattle, and creeping thing, and beast of the earth after his kind,'' and, in the ''sixth day,'' God said: ''Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.''

We have reached the ''sixth day'' in the biblical account. A day, in God's divine revelation to Moses, evidently meant a period of some undetermined length. In Psalm 90—a prayer of Moses—we are told: ''Before the mountains were brought forth, or ever thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God. . . . For a thousand years in thy sight are but as yesterday when it is past, and as a watch in the night.''

Regardless of the length of the Creation ''days'', in the sixth, all preparations had been completed for the advent of man. ''So God created man''—we are told—''in His own image, in the image of God created He him; male and female created He them.''

On the seventh day, God rested from his work. Hence, both science and the Bible seem to agree, in broad terms, regarding the chronological order of the events of Creation.

The modern explanation of evolution dates from 1859, when Charles Darwin published the ''Origin of Species.'' According to Darwin, members of each species compete with each other for a chance to live, as well as with members of different species. In this competition

any helpful variation gives its owner an advantage over others in the species that are not so well adapted. Members with such variations, therefore, will win the struggle for existence. They will live and reproduce their kind, while forms not so well equipped will die. Darwin called this process natural selection; it is also referred to as ''survival of the fittest.''

According to a national poll that was published earlier this year, only 40% of the nation's scientists are said to believe in God. I was amazed that 60% of the scientists, according to the poll, share no belief in a Creator. Darwin, however, apparently did not share such disbelief. Some years ago, I read his ''Origin of Species.'' In this brilliant work of a great British naturalist, I came across this incisive question, posed by Darwin himself: ''Have we any right to assume that the Creator works by intellectual powers like those of man?''

What a pertinent question? I think we human beings are prone to forget that the Creator, as Darwin observed, may work by intellectual powers unlike those of man.

In comparing the eye of a human being to an optical instrument made by man, Darwin had this to say: ''If we must compare the eye to an optical instrument, we ought in imagination to take a thick layer of transparent tissue, with spaces filled with fluid, and with a nerve sensitive to light beneath, and then suppose every part of this layer to be continually changing slowly in density, so as to separate into layers of different densities and thicknesses, placed at different distances from each other, and with the surfaces of each layer slowly changing in form. Further, we must suppose that there is a power, represented by natural selection or the survival of the fittest, always intently watching each slight alteration in the transparent layers; and carefully preserving each which, under varied circumstances, in any way or in any degree, tends to produce a distincter image. We must suppose each new state of the instrument to be multiplied by the million; each to be preserved until a better one is produced, and then the old ones to be all destroyed. In living bodies, variation will cause the slight alterations, generation will multiply them almost infinitely, and natural selection will pick out with unerring skill each improvement. Let this process go on for millions of years; and during each year on millions of individuals of many kinds''—this is the question that Darwin poses—''and may we not believe that a living optical instrument might best be formed as superior to one of glass, as the works of the Creator are to those of man?''

Thus, Darwin appears to acknowledge a Creator back of the Creation—a master mind back of the work. I suggest that the 60% of today's scientists today who, according to the poll, doubt the existence of a Creator, read what Darwin has to say in this regard, if they have not already done so, and if they have already done so, it may be valid for them to read Darwin's observation again.

Darwin's work is sprinkled throughout with conjecture, assumptions, presumptions, and, in some cases, just plain guess work. For example: the reader often finds such words and phrases as: ''Has probably played a more important part'', ''there can be little doubt'', ''we may infer'', ''seems probable,'' ''I have come to the conclusion,'' ''it cannot be doubted,'' ''I am fully convinced'' —this is Darwin talking—''it must be assumed,'' ''seems to have been,'' ''appears to have played an important part in the origins of our breeds,'' ''seems to have been the predominant power,'' ''it is probable that they were once thus connected,'' ''thus it is, as I believe,'' ''bearing such facts in mind, it may be believed,'' ''we may conclude,'' ''seem to have been the chief agents in causing organs to become rudimentary,'' ''is probably often aided,'' ''is perhaps intelligible by the aid of the hypothesis of pangenesis, and apparently in no other way,'' ''it may be,'' ''every character, however slight, must be the result of some definite cause,'' ''one chief cause seems to be,'' ''some additional rudimentary structures might here have been adduced,'' ''we have only to suppose that a former progenitor possessed the parts in question in a perfect state,'' ''the more complex instincts seem to have originated independently of intelligence,'' ''appears to have been gained,'' ''such variations appear to arise from the same unknown causes,'' ''it is not improbable,'' . . . and so on and so on.

Darwin, posing the question, ''whether there exists a Creator and Ruler of the universe,'' responds. Listen to his response to his own question: ''And this has been answered in the affirmative by the highest intellects that have ever lived.''

Twelve years after the publishing of the ''Origin of Species,'' Darwin published ''The Descent of Man.'' In his second book, Darwin applied his theory of evolution to the human race. In Chapter IV, Darwin makes an interesting admission. Here is what he said:

> I now admit . . . that in the earlier editions of my ''Origin of Species,'' I probably attributed too much to the action of natural selection or the survival of the fittest. I have altered the fifth edition of the Origin so as to confine my remarks to adaptive changes of structure. . . . I may be permitted to say as some excuse, that I had two distinct objects in view, firstly, to show that species had not been separately created, and secondly, that natural selection had been the chief agent of change, though largely aided by the inherited effects of habit, and slightly by the direct action of the surrounding conditions. . . . Hence, if I have erred in giving to natural selection great power, which I am far from admitting, or in having exaggerated its power, which is in itself probable, I have at least, as I hope, done good service in aiding to overthrow the dogma of separate creations.

Darwin was not alone in his effort. Since the earliest days of man's exploration of his universe, science and religion—when not simply ignoring each other—have often been at odds. Throughout the ages, it seems that the more man has learned about the physical nature of the universe and its creatures, the greater the gap between religion and science has become.

To many in the scientific community, the world has largely become divided between that which can be scientifically and mathematically explained away, and that for which the mathematical equation or scientific basis has not yet been discovered. The Creator has had no role. He has been left out. The fabulously intricate pattern of occurrences, which had to exist in order to account for the strictly scientific view of the creation of the universe, has been viewed as merely chance—a lucky shot!—with no connection to any sort of greater intelligence. How absurd!

Mr. President, I have in my pocket a gold watch and a golden chain. Watches are not in the habit of assembling themselves. There has to be a designer. There has to be a maker back of the watch, a creator back of the chain. There has to be a greater intelligence, a Creator.

On the other side, to many of those in the religious community, too tightly held religious doctrine has precluded all possibilities suggested by scientific investigation of the physical world.

Happily, however, scientists and men of the cloth both appear to be rejecting doctrinal absolutism and discovering some common ground.

Recent articles in Newsweek and U.S. News and World Report, point to a change in attitude among scientists and theologians. Rather than opposing one another, the study of science and the practice of religion may at last be able to enhance one another. Science may be recognizing that rules, or tangible events, or even the laws of physics may not always be entirely explainable. As we search for scientific truth we may also provoke a faith that instills in the previously cynical, a wonder for the unexplainable and a tacit admission that there must be a higher power.

In innumerable cases, science is apparently unearthing instances of perfection in the physical world which are so far beyond even the wildest imaginings of the human mind that chance could not account for them, and even nondevout scientists have tended to conclude that such minute miracles can only have been wrought by some form of divine design.

Newsweek, in its edition of July 20, said, ''Physicists have stumbled upon signs that the cosmos is custom-made for life and consciousness. It turns out that if the constants of nature—unchanging numbers like the strength of gravity, the charge of an electron and the mass of a proton—were even the tiniest bit different, then atoms would not hold together, stars would not burn, and life would never have made

an appearance.'' As Nobel-prize-winning Physicist and Christian Charles Townes put it, ''somehow intelligence must have been involved in the laws of the universe.'' And, consider the words of Physicist-turned-priest John Polkinghorne, who said that the most fundamental component in the belief in God ''is that there is a mind and a purpose behind the Universe.''

Similarly, Newsweek and U.S. News and World Report relate the story of Allan Sandage, one of the world's most preeminent, respected, and accomplished astronomers, who spoke at a recent meeting of cosmologists gathered together to consider the theological implications of their work. Sandage, who reportedly admits to having been ''almost a practicing atheist as a boy,'' has come to the conclusion through his work that Creation can only be explained as a ''miracle''. ''It is my science that drove me to the conclusion that the world is much more complicated than can be explained by science. It is only through the supernatural that I can understand the mystery of existence.''

I find it rather exhilarating that men like Sandage and Townes and Polkinghorne, who have devoted so much of their lives to questioning their universe in order to discover its secrets, have come to a conclusion that to me was answered long ago through simple, basic, unquestionable faith, and simple, common-sense reasoning.

There are those who will only ever be comfortable with a world of rules and measurements, in which events are quantifiable and reliable, and a ''miracle'' is defined only as that which has not yet been thoroughly dissected and concretely explained. There are also those who will always reject scientific theory if it seems in any way to challenge their religious doctrine.

But it seems to me that scientists such as Allan Sandage, who embrace both religion and science, can teach a valuable lesson to us all. A black-and-white science of stiff rules and blinders is fatally flawed. It is the scientist who looks to the heavens for divine intervention and is willing to admit that not all things are explainable, who has the greatest opportunity to achieve medical breakthroughs, uncover the mysteries of outer space and develop life-changing technologies. His is an intellect which is truly free, for he allows for all possibilities.

The two great disciplines of the world, science and religion, represent the ceaseless human probing for answers to the mysteries of life. They are, at their cores, nothing more than man's quest for truth.

As we search, may we never close our hearts to the abundant evidence of His love and his miracles all around us.

Even in the midst of great sorrow and profound tragedy, He is there and His love will prevail and will triumph. So my heart goes out today to the families of the two brave men whose lives and dedication we honored today in this magnificent Capitol, itself a symbol of man's belief in things which cannot be seen. And I hope that these loved ones will remember the words of hope from the Scriptures and the words of William Jennings Bryan:

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, to make it burst forth from its prison walls, again the mighty oak, will He leave neglected in the Earth the soul of man, created in his own image.
>
> If He stoops to give to the rosebush whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come?
>
> If matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay?
>
> No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

With those words of William Jennings Bryan, Mr. President, I yield the floor.

## TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

### AMENDMENT NO. 3355

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now consider amendment No. 3355, offered by Senator KOHL, and that I be added as a cosponsor. I urge this amendment be adopted. There is support by both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 3355) was agreed to.

Mr. CAMPBELL. Mr. President, I yield time to Senator HUTCHINSON for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

### TAX CODE SUNSET AMENDMENT

Mr. HUTCHINSON. Mr. President, shortly I will call up the Tax Code sunsetting amendment. I ask unanimous consent to add the following cosponsors: Senator BROWNBACK, Senator MCCAIN, Senator ABRAHAM, Senator INHOFE, Senator GRAMS, Senator SMITH of New Hampshire, Senator HELMS, Senator MURKOWSKI, Senator COATS, Senator SESSIONS, and Senator COVERDELL.

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

Mr. HUTCHINSON. Mr. President, I congratulate the Senator from Colorado for his leadership on this appropriations bill, his leadership on tax reform in this Congress, and his support for the provision sunsetting the Tax Code. The amendment I will be offering on behalf of myself and Senator BROWNBACK would sunset the entire Tax Code, December 31, 2002. I appreciate so much the Senator from Colorado in his cosponsorship of the original legislation that was introduced, and his support of this very, very important concept.

I also point out to my colleagues, with my appreciation, the various organizations that have endorsed the scrapping of the code, the sunsetting, the terminating of the existing Tax Code. The Americans for Hope, Growth and Opportunity, the National Taxpayers Union, the National Federation of Independent Business, the American Conservative Union, Americans for Tax Reform, and Citizens for a Sound Economy have all lent their support for what I think is an essential step for all of us who believe the existing Tax Code does not work for the American people, and that the first step in replacing it with something that is simpler and something that is more fair and something that is less of a burden upon the American people would be to set a date certain in which we terminate and sunset the existing Tax Code.

Congress recently took an important step to protect the American people from an overarching IRS. In the House, and in the Senate under the leadership of the distinguished Finance Committee chairman, Senator ROTH, Congress passed the Internal Revenue Service Restructuring and Reform Act. Under this legislation, the burden of proof has now been shifted to the IRS. A newly restructured IRS will now be overseen by an independent panel, and I commend the work of the Senate Finance Committee and Chairman ROTH for bringing this proposal to fruition.

But this legislation, which I firmly supported, must not be the end of protecting the American taxpayer. On April 2, 1998, the Senate expressed itself on the need for fundamental change in passing an amendment to the budget resolution, not only to restructure the IRS but also to terminate and sunset the Federal Tax Code by the end of 2001. We passed that sense-of-the-Senate resolution, and we have a list of all of those who voted for that sense-of-the-Senate resolution saying we should sunset, we should set a date certain, and we should terminate the existing Tax Code. I invite all my colleagues in the Senate to look at that list of those who voted, on both sides of the aisle, on a bipartisan basis, to sunset the Tax Code.

The House took a bold stride beyond this sense of the Senate in passing the Tax Code Termination Act on June 17, 1998.

Today, the Senate has the opportunity to do the same. The amendment I, along with Senator BROWNBACK and all of our cosponsors, have offered to the Treasury-Postal appropriations bill, that we will be calling up soon, would eliminate the Tax Code by December 31, 2002. Originally, way back