Rick's best work, his masterpiece on the facade of this building, invites the city to admire the house of prayer, but more to enter it. The sculptures set up the conditions under which a community, a city might transform itself. Enter the choric dance; establish a cooperative rhythm; be drawn like Adam to what you cannot see; drop the sword of contention and enter the mystical night—and maybe, just maybe, you will be able to build the day. You might find God.

Rick Hart was a friend. But I make no apologies for my praise of his work; I believe I have been privileged to know a great, passionate artist whose values emerged within his creative processes and embodied themselves there. As a result, I know that long after I am dead, the ideas and values he, I and others shared in friendship will awaken others. The symbols will remain—continuing to make parts into wholes, building a community of living stones from the stones he shaped, drawing us beyond ourselves into God.

TRIBUTE TO GOV. MEL CARNAHAN

Mr. HARKIN. Mr. President, it is with a heavy heart that I stand here today to pay tribute to a good friend, Mel Carnahan, Governor of Missouri, and express my sorrow at the loss of his son Randy and his longtime aide, Chris Sifford.

I had known Mel for a long time. I have followed his career with pride and admiration as his neighbor to the North. Mel's service to the State of Missouri spans four decades and even more elected offices. He started out as a municipal judge in his hometown of Rolla at the age of 26. He served in the Missouri State Legislature. He was State treasurer and Lieutenant Governor, and in 1992 became the 51st Governor of Missouri.

Like many of my colleagues, I had the privilege of campaigning with Mel this past year. As I watched Mel Carnahan on the trail and watched him talk with the people of Missouri and listen to their concerns and their hopes to gain their confidence and trust, I was reminded of something Adlai Stevenson once said:

Every age needs men who will redeem the time by living with a vision of things that are to be.

Mel Carnahan was one of those men, and as Governor of Missouri, he had a vision for his State and for our country. We saw it in his work on education. We saw it in his work on Missouri's economy. He created thousands of jobs and moved some 100,000 people from welfare to work. We saw it in his work on crime and children's health insurance and so many other issues, how he stood up to the gun industry and stood strong for those who have the deck stacked against them.

He had a vision for this Nation which he took into his Senate race. He believed, as Hubert Humphrey stated, that the measure of government is in how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick and the needy. That is why he wanted to come to Washington. This was his vision.

Its very urgency makes it harder to accept the fact that he was taken from us before he could help make it a reality. His death is a loss for all of us in Congress who would have had the honor of working with him. It is a loss for the people of Missouri who would have had the privilege of being represented by him. It is a loss for the people of this Nation who would have had the good fortune of being served by him.

We cannot let our sorrow overwhelm us. We cannot let our sadness become bitterness, despair, or regret. That would not be a fitting tribute to Mel Carnahan. Rather, we owe it to him, to his country, and to his family to take up the torch of his life's work and to carry it on. We owe it to ourselves to let his memory be our solace, his record our guide, and his legacy our inspiration, to let the life of this good and decent man continue to light our way. That is the best and enduring memorial for our friend Mel Carnahan.

Earlier this year, I was flying in that very plane with Mel and his son Randy at the controls. Being a pilot myself, we talked a lot about flying. It was a night flight. We talked about the aircraft. I talked to Randy about the different instrumentation he had on his aircraft. Randy was a very qualified pilot. He knew what he was doing. Mel was, too. Mel had been taking flying lessons and had hoped to complete them at some time but had to interrupt them for his campaign.

For me, it makes the loss even so much more poignant and tragic since just a couple of months ago I was on that very plane with them. We do not know exactly what happened. Right now what went wrong is really of no consequence. What is of consequence is that we have lost three good lives in that tragic accident in Missouri.

My heart and my prayers are with Jean, his very lovely and very dedicated wife, their children Russ, Robin, and Tom, and with the family and friends of Chris Sifford who also lost his life in that tragic accident.

Mr. DODD. Mr. President, I rise to add my voice to those who have come to the Senate floor to pay tribute to Missouri Gov. Mel Carnahan.

Those of us who knew and admired Governor Carnahan share a profound sense of loss at the news of his untimely death and the deaths of his son Randy and longtime aide Chris Sifford in a plane crash on Monday night.

I had the pleasure to meet Mel Carnahan on several occasions in recent years. I knew him as a good man, as someone who spoke passionately and cared deeply about the people of his State, especially its children. He was a dedicated and talented public servant who never wavered in his belief that public service is a noble calling.

Few if any would question that Mel Carnahan's heart was with the working people of his State. In his first year as Governor, he called for a tax increase to fund the State's public schools. Allies and opponents alike said he was sealing his fate as a one-term Governor. The voters saw his decision for what it was: an act of political courage. They reelected him in a landslide.

In addition to work on behalf of the children of Missouri, he fought for better health and safety standards for seniors in nursing homes. He championed tough measures to fight crime. He brought about sensible welfare reform. And he successfully streamlined his State's government, redirecting hundreds of millions of dollars for job creation, education, and law enforcement.

The Democratic leader said earlier this week that Governor Carnahan was a man of such talent and insight that he would have succeeded in any field which he chose. Anyone who knew this man would, I believe, have to agree with that view; that he chose the field of public service and brought credit and esteem to a profession that is all too often criticized. It brought a better life for millions of Americans who reaped the harvest of his tireless efforts on their behalf.

I extend my deepest sympathies to the Governor's wife Jean, their family, the family of Chris Sifford, and the people of the State of Missouri.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 18, 1999: Michelle Alexander, 21, Charlotte, NC; Earl Baker, 22, St. Louis, MO; Karlton Cannon, 30, Chicago, IL; Michael Jones, 49, Knoxville, TN; Kenneth Pastuszak, 28, Detroit, MI; Brian Webster, 26, Detroit, MI; and Unidentified Male, 45, Honolulu, HI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

FEDERAL REGULATIONS

Mr. INHOFE. Mr. President, in fiscal year, FY, 2000, some 54 federal departments and agencies and over 130,000 federal employees spent over $18.7 billion writing and enforcing federal regulations.

The number of full-time positions in regulatory agencies reached an all-

time high during the Clinton/Gore Administration. The era of big government is not over. In fact, it is in its hey day. In FY 2000, bureaucratic staffing set a new record, exceeding the previous all-time high of 130,039 in FY 1995.

Rochester Institute of Technology's Professor Thomas Hopkins estimates that the total cost of federal regulation will be $721 billion in 2000, which is equal to about 40 percent of all federal spending—representing a hidden tax of more than $6,800 per year for each American family. This represents direct compliance costs, not indirect costs such as the cost of lost productivity, increased cost of goods and services, as we are seeing with gas prices right now, and lower wages—among others.

These figures are very important for us in Washington to keep in mind—when we are developing laws and regulations. When considering the entire federal budget, $6,800 per year may seem like peanuts, but $6,800 is a great deal of money to millions of hard working Americans.

To put Professor Hopkins' estimates in perspective, current regulatory costs are about 40 percent of the size of the federal budget—which stands at an estimated $1.9 trillion in FY2000—and represent about 8 percent of America's gross domestic product. Moreover, Hopkins' estimates of annual U.S. regulatory costs exceed the entire 1998 GDP of such countries as Canada, $604 billion; Spain, $553 billion; Australia, $364 billion; and Russia, $275 billion.

Beyond the cost of regulations and the size of the federal bureaucracy, a very troublesome trend is occurring in the regulatory arena right now. In its last few days in office, the Clinton/Gore Administration is currently pushing through a number of new rules—particularly in the environmental arena. This last-minute regulatory push, also known as ''midnight-regulation,'' serves two purposes for the Clinton/Gore administration: (1) to pander to the special interest groups and (2) to make regulatory decisions more difficult for the next administration.

This administration is playing a zero sum loss game with the regulatory process. While special interests and bureaucrats are winning, the American people are losing. When well thought out and reflecting consensus, regulations can certainly provide benefits to the American people. However, what is most disturbing is the fact that this administration will promulgate these regulations at any cost—at the financial cost of the American people—at the cost of making a mockery of rulemaking due process—even at the cost of environmental protection. This isn't just my opinion, other experts agree. Wendy Gramm, former Administrator of OMB's Office of Information and Regulatory Affairs, and Susan Dudley—both of whom are with George Mason University's Mercatus Center—recently wrote in an article in The Atlanta Journal, ''when regulations are rushed into effect without adequate thought, they are likely to do more harm than good.''

Eighty-eight rulemakings are in the process at the EPA.

On August 25, 2000, a Washington Post article's byline read, ''[m]indful that Republicans could occupy the White House in less than six months, the Clinton administration is working feverishly to issue a host of new regulations supported by environmentalists and other liberal leaning groups . . .'' The article goes on to state that, ''[a]t the EPA alone, officials have listed 67 regulatory decisions looming before Clinton's second term expires in January.''

In response to the Washington Post article, the National Manufacturers' Association requested this list of 67 pending ''regulatory decisions.'' However, NMA's request was denied. Thanks to the leadership of Representative DAVID MCINTOSH, the Clinton/Gore Administration submitted the list of regulations. Representative MCINTOSH discovered that it was not 67 regulatory decisions—but rather 88! This does not include the numerous interim final regulations, policy statements, and guidance documents, which EPA is pushing through.

In fact, the average pages of regulations in the Federal Register is currently sky-rocketing. Currently, the Clinton/Gore Administration is averaging 210 pages of regulations per day in the Federal Register. The last time that the American people experienced such a flood of regulations was at the end of the Carter Administration—when the Federal Register had an average of 200 pages of regulations per day. Mr. President, there is a graph of the average number of regulations in the Federal Register during election years since the Ford Administration.

Here are some examples:

The Clinton/Gore administration's ''Total Maximum Daily Load'' or ''TMDL'' Rule.

The now final TMDL rule drew more than 30,000 public comments and has been the subject of 12 congressional hearings. An overwhelming majority of these citizens, including environmental, community, state, labor union, and business organizations, expressed their opposition to the rule. Their concerns have included such issues as the rule's effectiveness, costs, technical and scientific feasibility, and basic structure.

On June 30, 2000, in response to the testimony and thousands of letters that I and other Members of Congress received in opposition to EPA's proposed TMDL rule, Congress included a provision in the FY 2001 Military Construction Appropriations Act that would prohibit EPA from implementing this rule. This provision was a bipartisan attempt to direct the EPA to take a step back and address the concerns of the American people—not a sneak attack on the environment as many extremist environmental groups tried to portray it.

The U.S. Congress sent a clear message to the White House and EPA. However, the Clinton/Gore Administration allowed EPA to finalize its proposed TMDL rule shortly before President Clinton signed the FY 2001 Military Construction Appropriations Act into law. I have grave concerns about any Administration which seeks to make the will of Congress ''meaningless''—which is what the White House was quoted as saying. The very thought of such an action is a vulgar abuse of power and blatant disregard for the legislative branch of our government.

The Clinton/Gore EPA's poorly thought-out sulphur/diesel rule.

For some reason the EPA is shocked and surprised that fuel prices are spiking because of the introduction of the new RFG phase 2 regulations. The trouble is the EPA continues to roll out new restrictions and regulations on gasoline and gasoline formulas without any regard to what the consequences are to the consumer. I am concerned that the Clinton/Gore sulfur diesel regulation is a perfect example. This is a regulation which will cause price spikes for fuel over the next ten years, and EPA has done a miserable job in predicting the consequences of this regulation. I believe there will be severe shortages of diesel fuel which will lead to higher prices for truckers, farmers, and the home heating market. It is highly likely that instead of installing the expensive desulfurization equipment many companies will choose to export their diesel instead of selling in the U.S., creating greater shortages. While they are discussing finalizing this rule, they are also discussing the need for a technology review in three years on the pollution devices for the trucks themselves. It seems the EPA is not sure if the technology will be available which requires the low sulfur diesel fuel. But this review will take place after the refiners begin installing the expensive low sulfur equipment.

The real shame in this is that it could be avoided if the EPA were more reasonable in their expectations. Instead of calling for a 97 percent reduction in sulfur, they could have taken a 90 percent reduction in sulfur which would have produced the same benefits for particulate matter at half the cost. While it is true that NOx would only be reduced by 75 percent instead of 95 percent. I think we need to stop and look at it, 75 percent reduction at half the cost is a bargain. Once again the EPA appears bent on chasing pennies of benefits for dollars of costs.

My subcommittee will be looking even more closely at the cost of EPA's programs on our nation's fuel supply. I really think the lasting legacy of Carol Browner might very well end up being these gasoline price spikes over the next ten years, unless something is done to restore some sanity to this process.

EPA's arsenic regulation.

The EPA is reconsidering its proposal for lowering the federal standard for arsenic in drinking water. The 5ppb standard, for which EPA is seeking comment, is scientifically unjustifiable. Many experts believe that ''given the available information EPA has provided, a final standard below 20 ppb can not be justified.'' This rule is anticipated to cost $1.5 billion annually and require $14 billion in capital investments—threatening to bankrupt small towns. EPA's own analysis reveals will impose net costs on users of drinking water systems. Unfortunately, this regulation is just another example of the EPA putting the policy ahead of the science—at the cost of the American people.

Mr. President, I could go on and on about these midnight regulations.

The Clinton/Gore administration is circumventing regulatory rulemaking due process.

A fundamental safeguard provided by the Administrative Procedure Act (the ''APA'') is to ensure that federal agencies provide an opportunity for informed and meaningful public participation as part of the regulatory rulemaking process.

As if midnight regulations were not bad enough, the Clinton/Gore administration attempts to short-cut APA safeguards by the issuance of interim final rules, guidance documents, and policy statements. These documents, which do not go through the notice and comment rulemaking process required by the APA, are not subject to review by the courts. Often, these documents suggest that regulated entities must comply with requirements beyond the requirements found in law or regulation. Though agencies deny the fact these documents are legally biding, it is clearly an attempt to make law outside the rulemaking process—in a way which tries to shield agencies from judicial review.

For example, on April 14, 2000, the U.S. Court of Appeals, in Appalachian Power v. EPA, struck down EPA's ''Periodic Monitoring'' Guidance. Among it's findings, the Court found: (1) EPA was creating broad new authority through the guidance document; (2) EPA did intend the guidance document to have binding effect; and (3) the guidance was illegally issued outside the APA rulemaking procedures.

From 1992 to 1999, the Clinton/Gore EPA published over sixty-five interim final rules, guidance, and policy statements in the Federal Register. However, there are many more of these documents, which have never been published in the Federal Register—in violation of the Federal Register Act.

And the cycle continues . . . on August 28, 2000, EPA has just issued a guidance document on Environmental Justice. While I will reserve the policy discussion on environmental justice for another time, the process question arises again. Even though the Congress and many stakeholders urged EPA to issue an Environmental Justice Rule, which would be subject to the APA's opportunity for notice and comment as well as judicial review, the EPA refused to do so. Instead, the EPA again created a binding regulation, albeit through a guidance document, which is not subject to judicial review.

Additionally, in the case of many of the 88 rules, EPA will argue that the regulation has been a work in progress for years. EPA's claim begs the question, ''Then why cram through the final product when EPA is juggling so many balls at once.'' Though some of the regulations may have been proposed before, it does not mean that the proposal is still relevant—which we see with EPA's Proposed New Source Review Rule. In this and other cases, EPA should re-propose the rule rather than going final with it's obsolete, out-dated proposed rule.

In conclusion, the Clinton/Gore Administration is in overdrive to make policy by administrative edict where it has failed to do so by the legislative process or by following the regular regulatory order. President Clinton and Vice President GORE can't really believe that the less the public participates the better—but they're acting like they do. The fact that the EPA is cramming though scores of rules and other regulatory decisions without public discourse is irresponsible. I call on the Administration to exercise regulatory restraint and stop exceeding its legal authority without undergoing appropriate rulemaking procedures.

Rushed and poor judgement and deliberate acts that exceed an agency's authority can cause serious disruptions in the course of American families' lives. Therefore, I, along with other Members of Congress, will explore the various options, which Congress could use to address this Administration's numerous egregious political and anti-democratic actions. Environmental protection is vitally important, but so is the integrity of our government.

STATE DEPARTMENT MEMORANDUM

Mr. MCCAIN. Mr. President, yesterday, we learned that a memorandum from the Inter-Agency Coordinator for the State Department instructed the Voice of America to refrain from broadcasting an editorial denouncing the terrorist act that took the lives of seventeen American sailors on the U.S.S. *Cole* and expressing the United States' resolute opposition to all terrorism. Apparently she perceived in the editorial an insensitivity to the fact that ''the seventeen or so dead does not compare to the 100+ Palestinians who have died in recent weeks where we have remained silent.''

Mr. President, I was not aware that the United States had remained silent about the loss of life, both Israeli and Palestinian, in the current conflicts threatening the prospects for peace in the Middle East. Indeed, I believe the President and a good many members of Congress have been quite outspoken on the subject. Moreover, the losses incurred in that conflict and our responsibility to do what we can to help bring violence there to an end, does not preclude the United States from strongly, unequivocally addressing the first responsibility of any U.S. Government: the safety of American lives.

I understand that the State Department spokesman has issued a statement calling the official's extraordinarily offensive memorandum ''wrong,'' ''not approved through appropriate channels'' and assuring that it in ''no way reflects the views of the Secretary or the Department.'' Fine, we can let the matter rest there.

Let me add a thought, though. It's a free country, but the official in question is not free to represent her own controversial priorities as official U.S. policy. Should she be unable to meet this basic professional and civic responsibility, perhaps she should seek a place of employment that is more compatible with her views.

TREASURY-POSTAL/LEGISLATIVE BRANCH APPROPRIATIONS—CONFERENCE REPORT

Mr. JOHNSON. Mr. President, last week, the Senate passed a conference report which contained the Treasury-Postal appropriations bill, the legislative branch appropriations bill, and a repeal of the century-old telephone excise tax. This package was the first of the several ''mini-omnibus'' packages we will likely consider in the waning days of this Congress, and unfortunately, it demonstrates the fundamental problems associated with this type of legislating.

I voted against this mini-omnibus for several reasons. The Senate never had the opportunity to even consider the Treasury-Postal bill on the floor. Many issues that are critical to Senators could not receive deliberation because of the unwillingness of the leaders to allow the Senate to fulfill its constitutional directive of deliberating on the crucial issues facing the nation. I will not review the entire list of neglected issues again. That recitation has occurred elsewhere, and I am confident we will hear more about them in the coming days.

Suffice it to say, I deplore the procedure that permits unpassed appropriations bills to go right to conference. Other than the procedural irregularity, I opposed this conference report because it did not contain language to strike the congressional pay raise. It is unfathomable to me that at a time we cannot raise the minimum wage to bring a full-time worker above the poverty line, we once again raise salaries for Members of Congress. I have opposed any effort to raise congressional salaries in every year since 1994. I, and similarly-minded colleagues, were denied the opportunity to fully debate this issue. I cannot support this increase, especially under the current