

contractor jobs at NASA by the year 2000. The House proposal was worse, and it required large cuts by this year. Of course, the President vetoed this budget, but the agency is still in trouble.

Most disturbing, however, was the House Republicans' announcement that they would close Huntsville's Marshall Space Flight Center by 1998 along with other NASA facilities in Maryland and Virginia. In a meeting with NASA Administrator Goldin, he assured me he would fight to maintain all three centers the House had targeted: Marshall, Goddard, and Langley. We had already done a lot of work in the Senate, and Senator Shelby and I had contacted key leaders in the Senate and received their commitments to keep Marshall and the other centers open.

In September 1996, we fought against yet another Senate amendment to cut funding for the space station. Tens of thousands of pounds of equipment had already been constructed, and the shuttle had flown its first station related mission the year before. Although the Senate voted the amendment down, it is unfortunate that the biggest challenge the station program faces appears to be the Congress of the United States, specifically a small handful of members who continue to offer legislation aimed at terminating the station program. Since the inception of the program, votes have been held over 18 times on the station. We must continue to reject these attempts and continue our support of the Space Station program. We owe this to the future of the citizens of the United States and to all the people of Earth.

Unfortunately, the Premiere Nozzle Center at Yellow Creek came to an end last year. Mississippi state officials seem to have made a deal with NASA to gain title to the property.

The Yellow Creek saga began when TVA terminated a 30-percent-complete nuclear reactor. Then came the rash cancellation of the ASRM plant, which was designed to prevent future space shuttle disasters like the Challenger incident in 1986. Last, we were faced with the sell-out of the nozzle center, a project which first was announced just 18 months beforehand.

In reviewing its history, it is hard to dismiss the theory that the use of Yellow Creek as a site for ASRM and as a Nozzle Center was being sabotaged from the beginning after the Revised Solid Rocket Motor was completed. Given its history, hopefully something productive can occur at Yellow Creek; otherwise it will stand as a monument to Government ineptitude and incompetence, as well as a destructive conspiracy.

In my last year as a Senator, NASA and the space station have, thankfully, enjoyed a banner year. Congress has approved a NASA budget of \$14.37 billion, which includes \$2.1 billion for the International Space Station. Space Lab received \$102.3 million, which is 10 million over the original request. In

April, NASA safely concluded the second longest shuttle mission. The space station was reconfigured within congressional budget limits and considerable improvements were made in management, engineering and budgeting the program. These changes led to a resounding endorsement from the Vest Committee.

It is rewarding to those of use who have worked long and hard in support of this important international scientific collaboration that the groundswell of public and congressional support is growing stronger. Credit for this success belongs to the team of personnel—scientists, engineers, contractors, universities and government agencies—who have worked tirelessly to make this program a viable path to the future.●

#### JUDICIARY COMMITTEE ACTIVITIES AND COURT REFORM

● Mr. HEFLIN. Mr. President, as the end of the 104th Congress was drawing to a close, I began making a series of speeches summarizing my activities and legislative efforts relating to some of the major policy issue areas facing our Nation. My purpose was to reflect upon and generally summarize my three terms in the Senate, pointing out progress, key accomplishments, disappointments, and suggestions for the future. So far, I have focused on the areas of civil rights and national defense and foreign policy. Here, I will devote some attention to my role as a member of the Senate Judiciary Committee.

Much of my statement on civil rights issues focused on activities within the Judiciary Committee, since these issues often arise in the context of court cases and nominations. I will reiterate some of that material here, but will focus more on court reform and the administration of justice, issues which were not discussed at length in that statement on civil rights.

While serving as chief justice of the Alabama Supreme Court, my primary goal was to modernize the State's system of justice. The backlog of cases when I came into office was staggering, so we set out immediately to pass reform of the judicial article, which is the part of the State constitution outlining the State judiciary. During my term, we were successful in getting the people to adopt a new article to the State's constitution in the form of a constitutional amendment which was known as the new judicial article and in getting the State legislature to pass a judicial article implementation bill, which some say became a model for the Nation. I was extremely proud of our efforts and of the many hundreds of people who came together to make it happen. I saw first-hand that State courts can be made more efficient and citizens' access to the courts increased.

Upon arriving in the Senate, I quickly saw that much of the reform we accomplished at the State level was need-

ed at the Federal level. Much of my work on the Judiciary Committee has focused on bringing these reforms to the Federal court system. As a member, chairman, and ranking member of the subcommittee overseeing the courts and judicial administration, I have had the opportunity to seek many much-needed improvements in the administration of justice. Since judicial administration is so important to access to the judicial system, it is my firm belief that efficient administration is a necessary component of swift and sure justice for all those who seek it.

Since time and space will not permit me to be as comprehensive in summarizing these various issues as I would like, I ask unanimous consent that a summary listing of legislation I have introduced, cosponsored, or directly shaped in some way be included in the CONGRESSIONAL RECORD after my remarks. However, I would like to summarize some of the highlights in these areas.

One of the major efforts was in the area of bankruptcy reform. Passage of the Bankruptcy Reform Act of 1994 brought to a close nearly 5 years of work in this area. Over these several years, we were able to produce the first major substantive change in the Bankruptcy Code since 1984. We successfully streamlined and updated the code.

The need for a major reform of the code became apparent with the record increases in bankruptcy filings the courts had been experiencing. There was a need for changes in the code which recognized the changes in the economy and different types of financial arrangement faced by consumers and businesses.

Our act addressed virtually all aspects of bankruptcy, including provisions which made significant and important changes to the bankruptcy process in our Federal courts. Also included were provisions which streamlined the process for the individual consumer debtor through the encouragement of the use of chapter 13 repayment bankruptcy provisions. The commercial bankruptcy process and procedure was also addressed. I am particularly proud that a Bankruptcy Review Commission was set up to review and study the laws and process related to bankruptcy filings. Overall, these reforms have led to a more effective and workable process.

In the 96th Congress, I introduced a bill to divide the Fifth Circuit Court of Appeals into two courts. Its main purpose was to promote judicial efficiency. Individual judges in the fifth circuit were severely burdened by an excessively large caseload. Furthermore, the entire court had accrued the largest en blanc caseload in U.S. judicial history. The measure splitting the circuit and creating the 11th Circuit Court of Appeals was signed into law in October 1980.

In the 97th Congress, I was a cosponsor of the Omnibus Victims Protection

Act of 1982, which provided additional protection and assistance to victims and witnesses in Federal cases. I was also proud to have been a moving force in the establishment of a State Justice Institute in 1984 during the 98th Congress, and in the passage of an act amending title 18 of the United States Code to ban the production and use of advertisements for child pornography or solicitations for child pornography. This became law in November 1986, at the end of the 99th Congress.

I have always been firmly committed to measures which ensure the free and open exercise of religion. In 1988, during the 100th Congress, an act to impose criminal penalties and to provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs was passed by Congress and signed into law. Later, in the 103d Congress, my subcommittee held hearings on proposed Equal Employment Opportunity Commission [EEOC] guidelines which many felt would have adversely affected Federal workers' rights to express their religious beliefs in the workplace. Ultimately, we were successful in preventing these guidelines from taking effect. This year, in the wake of the rash of church burnings in the South, I strongly supported the legislation to increase penalties for those convicted of destroying houses of worship through arson.

During the 101st Congress, I was extremely proud of being a cosponsor of a comprehensive act containing three major parts. One was the Civil Justice Reform Act, which required selected U.S. courts to implement expense and delay reduction plans. A second part was the Federal judgeships Act, which created 85 new judgeships, thereby streamlining efficiency. The third major part of this act was the Federal Courts Study Committee Implementation Act, which put into place a number of the committee's recommendations. The act, which became Public Law 101-650 on December 1, 1990, also contained provisions dealing with television violence, computer software rental, judicial discipline, and the rights of visual artists.

One of the proudest achievements of my career occurred during the 102nd Congress, with the passage of my bill to name a Federal building in Montgomery, AL, after Judge Frank M. Johnson, Jr. Judge Johnson, one of the greatest jurists to have ever served on the Federal bench, did so much to promote racial progress in Alabama and the rest of the South that I could think of no more fitting tribute to honor his work and service. It became law on March 20, 1992. A new Federal courthouse was built in Birmingham and later named the Hugo Black Courthouse and the Montgomery courthouse is now being expanded.

That same year, the Federal Courts Administration Act of 1992 was signed into law (P.L. 102-572, October 29, 1992). This law encompassed four bills I spon-

sored: the Federal Courts Study Committee Implementation Act, the Judicial Survivors' Annuities Improvements Act, the State Justice Institute Reauthorization Act, and the Court of Claims Technical and Procedural Improvements Act. It also contained a provision cosponsored by myself and Senator GRASSLEY which created a new civil cause of action in Federal court for victims of international terrorism.

I supported the Violent Crime Control and Law Enforcement Act of 1994, which, among other things, provided funding for 100,000 policemen for communities all across the Nation. While there were several provisions in this bill with which I strongly disagreed, on balance, its good provisions far outweighed its bad. I saw it as a positive and comprehensive effort to stop the onslaught of crime and drugs in our society.

Of course, there have been disappointments over the years, such as the failure to pass a constitutional amendment to ban flag burning and one to require a balanced Federal budget. I and many others in Congress worked long and hard to pass these measures, and they came close in the most recent 104th Congress. I think especially in terms of the balanced budget amendment, that we will ultimately be successful. I will continue doing all in my power as a private citizen to see that these amendments are added to our Constitution.

Much of my time and energy in the 104th Congress was spent on a bill to establish an independent Court of Administrative Law Judges. I have always thought it absurd that Federal agencies were allowed to judge cases involving themselves and outside parties. How can a "judge", employed by the agency he is serving, be expected to decide cases fairly and impartially? The bureaucrats fought this proposal tenaciously, and again, we were unsuccessful. We did, however, come closer in 1996 than ever before, and I remain hopeful that the next Congress will see the wisdom of ensuring independence in Federal administrative law.

Another item which ultimately failed in the 104th Congress was comprehensive regulatory reform. I joined with Senators Dole and JOHNSTON in seeking to provide a cost-benefit analysis in terms of certain regulations whose economic impact exceeded \$100 million. Regulatory reform should remain at the top of the congressional agenda.

One issue on which its opponents, including myself, were successful on was in preventing product liability reform from passing. So-called product liability reform legislation was billed as an effort to rein in errant juries and limit excessive awards to plaintiffs. While I do support tort reform, I believe it should be done at the State level and without weakening the jury system. The right of trial by jury is one of the most sacred rights we have as Americans, and nothing should be done to limit that right or restrict a citizen's

access to the judicial system. The federalized product liability reform bills contained many provisions which would have immunized many tortfeasors in a manner which was grossly unfair. This type of legislation should continue to be defeated so that our jury system—imperfect as it may be—remains strong and the bulwark of our system of justice.

In 1979, I convinced members of the Judiciary Committee to kill the court annexed arbitration bill, which would force parties in personal injury, property, and contract cases under \$100,000 to submit to mandatory arbitration in Federal court. I believed this bill was unconstitutional because it would deny the guarantee of a jury trial and the constitutional right of access to justice. An arbitration bill which doesn't penalize a party from seeking a trail de novo will go a long way toward minimizing the faults of the proposal.

In 1979, Congress passed an amended Federal Magistrates bill, which became Public Law 96-82. When it was first introduced, I criticized it as the third piece of a haphazard modification to the system in 10 years. Rather than amending it piecemeal, lawmakers should study and approach the whole system.

In 1979, we passed a law, Public Law 96-43, to amend the Speedy Trial Act of 1974 in order to limit the delay from charge to trial in the Federal courts to no more than 100 days.

In 1979, I opposed the Illinois Brick bill. After studying the case carefully, I concluded that Justice Byron White had issued a correct decision. I was fearful that if this legislation were adopted, class action antitrust cases would completely occupy the time of Federal judges and require a many-fold increase in the number of Federal judges in a short time.

In 1979, when it passed the judiciary committee, I called the Equal Access to Justice Act one of the best pieces of legislation I have seen. The bill would have allowed citizens whom the Government had taken to court unjustifiably or who contested unreasonable regulations to recover attorney fees. In other words, if a citizen is proven right, he doesn't have to pay for justice. The House never acted on this bill. But in 1985, Congress passed Public Law 99-80, similar to the Equal Access to Justice Act. This law allowed local governments, individuals, and small businesses to collect attorneys' fees if they won cases against Federal agencies.

In 1979, Congress passed the Justice System Improvement Act, Public Law 96-157, to reauthorize the Law Enforcement Assistance Administration. This bill created the Office of Justice Assistance, Research and Statistics [OJARS] which would coordinate the administration of the LEAA and two other, new agencies, the Bureau of Justice Statistics [BJS] and the National Institute of Justice [NIJ]. I had become a strong supporter of the LEAA during

my tenure as the chief justice of the supreme court. In Alabama, our police and sheriff departments had been largely underfunded, undermanned, undertrained and unprofessional, but with the LEAA's help, they developed into well-disciplined and professional organizations. Unfortunately, the LEAA died in 1980 during budget debate.

In 1980, the Congress passed a bill to create the 11th U.S. Circuit Court of Appeals, which became Public Law 96-452. The old Fifth Circuit, which comprised six States, had become so overburdened that it could no longer handle its caseload. In fact, its en banc caseload was the largest in the country. We did have a great concern in the Congress about the implications of the split to civil rights, since this court generally handled the most important civil rights cases. Judge Frank Johnson served as an excellent advisor for the Court to ensure that the Congress handled the split with care.

In 1980, the Senate passed a bill calling for a "State of the Judiciary" speech by the Chief Justice. Congress as a whole largely ignores the third branch until some crisis situation demands that we provide additional Federal judges or implement some reorganization. This idea has not yet materialized into law, but I still think it is a good plan.

In 1980, I introduced another bill to create a National Court of Appeals to relieve the overburdened Supreme Court. During 1979, the Court heard less than 7 percent of the cases before it. This bill never passed either, but in the future, the Congress must arrive at some solution to the overwhelming caseload of the Court.

In 1982, we introduced legislation to amend Federal habeas corpus procedures by restricting the power of the Federal courts to review and overturn State criminal convictions. There is a crying need to achieve finality in our criminal justice system and to protect the integrity of the State judiciary. I had also included certain provisions regarding habeas corpus procedures in my Federal court study implementation bill. The Republican 104th Congress passed some provisions relating to habeas corpus reform, but it contained a number of questionable provisions.

Provisions to create a State Justice Institute, which I had first introduced in 1980, became part of Public Law 98-620. Specifically, with the Institute, we sought to provide education for judges and officers of the courts of the States as well as sound proceedings for managing and monitoring caseloads, and improvement of access to justice. Hoping to adhere to the doctrine of federalism and separation of powers, we designed the Institute to assure strong and effective State courts, and thereby improve the quality of justice available to the American people. These ends were all the more important since recently enacted Federal laws, including the speedy trial act, had increased the cases sent to State courts.

This law also amended title 28, United States Code, with respect to the places where court shall be held in certain judicial districts. It also included several other provisions. The first established an Intercircuit Tribunal. The second clarified the circumstances under which a trademark may be canceled or abandoned. The last pertained to the authority of the special counsel.

In 1980, Congress passed a bill to cut costs and delays in antitrust trials. This bill became Public Law 96-349.

In 1980, the Congress passed a bill to create a U.S. Court of International Trade and to reform the judiciary machinery relating to trade. This bill became Public Law 96-417.

In 1980, the Congress passed a bill to make certain that Federal courts hear all cases under their jurisdiction. Before this bill passed, the amount in controversy determined whether or not a Federal court would hear any given case. This bill became Public Law 96-486.

In 1982, Congress created the U.S. Court of Appeals for the Federal Circuit. A new law, Public Law 97-164, combined the U.S. Court of Customs and Patent Appeals and the U.S. Court of Claims. The new court had the same authority as the other 12 U.S. Circuits, but its jurisdiction was national, rather than regional, and determined by subject matter.

During hearings in the 96th Congress, I declared that it was time to declare a war on crime, and in the following Congress I introduced a number of measures I hoped might effectively reduce it. Elements of my package became law over the years immediately following. Public Law 97-285 set penalties for crimes against cabinet officers, Supreme Court Justices, and Presidential staff members. Public Law 97-291 created additional protections for and assistance to victims and witnesses in Federal cases. Public Law 98-127 dealt with tampering, as in the case of the Tylenol murders. Public Law 98-292 was designed to fight the sexual exploitation of children. Public Law 98-305 criminalized the robbery of a controlled substance.

In October 1984, several other elements of my war on crime package became Public Law 98-473. This law included the Justice Assistance Act to provide aid to State law enforcement, after the model of the defunct LEAA. It provided for victims' compensation. The law also included mandatory sentencing for use of firearms in a Federal crime, and other sentencing guidelines including the creation of a sentencing commission to establish standards for punishment in Federal crimes. Further, it provided for Federal prosecution of murders-for-hire, drug trafficking, pharmacy robbery, labor racketeering, computer fraud, and assaults on Federal officials. Last, the law included provisions which shifted the burden of proof in the insanity defense to the defendant. The Hinckley acquittal inspired this language. However,

the act contained some questionable provisions which I opposed.

In 1984, Congress passed a bill to amend the Clayton Act, relating to antitrust laws, as it applied to local governments.

In 1984, Congress, passed Public Law 98-547 to fight auto thefts in which the criminals stripped and sold the vehicle as spare parts. The law required identifying numbers on the major parts.

In 1985, we extended the deadline for the sentencing commission, created by Public Law 98-473, to finalize its guidelines. This extension was included in Public Law 99-417. Another law, Public Law 99-22, made minor changes to the commission.

In 1985, we passed another law, Public Law 99-218, regarding the Supreme Court Police and its authority to protect the Justices and officers of the Court.

In 1986, we passed Public Law 99-303 to fight sexual molestation in Indian Country.

In 1986, we reformed Federal justice and judges survivors' annuities with Public Law 99-336.

That year, we also amended the False Claims Act with Public Law 99-562 to strengthen enforcement provisions for making false claims to the Federal Government. This bill also included protections for whistleblowers, something that we had worked on for a long time. In our view, these protections were particularly important in preventing Government waste, in the Defense Department, and in other areas.

In 1986, we banned advertisements for child pornography with Public Law 99-628.

In 1986, Congress improved the delivery of legal services to indigents with Public Law 99-651.

In 1987, Congress passed Public Law 100-236 to amend the laws governing multiple appeals filed on orders from Federal agencies. Until that time, lawyers frequently filed appeals in different courthouses in order to draw a judge they thought would be favorable to their case. The new laws allow 10 days to appeal an order, and created a lottery system for selection of the judge if multiple appeals were filed.

In 1987, I introduced legislation to change the administrative law system. Congress has considered this language several times since, but it has not yet passed a bill. Administrative Law Judges are employed and housed by the agencies they oversee. This system represents a clear conflict of interest. I believe that judges must, instead, be independent, and for this reason I sought to create an independent corps of administrative law judges. I strongly recommend that Congress address the problem in the future.

In 1988, Congress passed the Permanent Federal Court Study Act, which I had originally introduced during 1980 as part of a package which had included the unsuccessful National Court of Appeals. The Federal court study committee language became part of

Public Law 100-702. We designed the Federal court study committee to plan for the long range needs of the judiciary. I believe that reform must keep costs in mind, and it must avoid a careless, band-aid approach. These two conditions are required if we are to maintain public confidence in the judicial system.

Public Law 100-702 also included other significant provisions. It raised jurisdictional authority in Federal diversity cases from \$10,000 to \$50,000. It also reauthorized the State Justice Institute, created pilot programs of voluntary court-annexed arbitration, resolved district court jurisdictions under the Tucker Act, established methods of adopting recommendations of the Judicial Conference, and reformed jury selection. In a letter addressed to me, Chief Justice Rehnquist called the bill "probably the most significant measure affecting the operation and administration of the Federal Judiciary to be considered by the Congress in over a decade." Rehnquist also wrote that passage of the bill "with its many and varied provisions to improve different aspects of the judicial system, will significantly enhance the effectiveness of the Federal Judiciary as a whole."

In 1988, Congress passed another bill which had been part of the 1980 package which ultimately became Public Law 100-702. This bill gave the Supreme Court greater discretion in selection of its cases. This language took 8 years to pass, but it finally became part of Public Law 100-352.

In 1988, the Congress passed the Anti-Drug Abuse Act of 1988, which became Public Law 100-690. This new law included the creation of a drug czar, which had been eliminated from my 1984 crime package. This new law also included the Criminal and Juvenile Justice Partnership Act and the Child Protection and Obscenity Enforcement Act.

In 1988, Congress passed a new law, Public Law 100-694, to protect Federal employees from the threat of lawsuits based on their work performance. The bill was designed to overturn the 1988 Supreme Court decision, *Westfall versus Erwin*.

In 1988, we passed Public Law 100-700 to make it a crime to knowingly defraud or attempt to defraud the Government in contracts of \$1 million or more.

I strongly supported a constitutional amendment to ban flagburning in the late 1980's, and I spent a great deal of time on it in the most recent Congress.

In 1990, Congress authorized the appointment of 74 new U.S. district and 11 new U.S. circuit judges with Public Law 101-650. Importantly, this new law also incorporated the Judicial Discipline Reform Act to improve procedures for disciplining Federal judges, and to establish a National Commission on Judicial Discipline. The final language to discipline judges short of impeachment was the culmination of

years of work that had included a proposed constitutional amendment. I had also proposed another constitutional amendment in 1988 to reform the actual impeachment proceedings, which had proven themselves to be cumbersome.

Public Law 101-650 contained some other miscellaneous provisions. The law also contained language to address television violence by removing from antitrust laws any cooperation within the industry to reduce it. The law included provisions to deal with computer software copyright laws. This bill also contains S. 1198, the Visual Artists Rights Act, which gives creators of certain artistic visual works the right to prevent modification or destruction of their work.

In 1992, Congress passed the Administrative Procedure Technical Amendments Act, Public Law 102-354, to make technical corrections to Chapter 5 of title 5, U.S.C. This law also amended the Alternative Dispute Resolution Act (Public Law 101-552) to authorize Federal agencies to resolve disputes between two other parties.

In 1992, Congress passed the "Dead-Beat Dad" bill. This became Public Law 102-521.

In 1992, Congress passed the Federal Courts Administration Act of 1992, which became Public Law 102-572. This law was actually a conglomerate of several bills. It codified certain recommendations of the Federal Courts Study Committee, which I believe had turned out to be a valuable experiment. It reformed the judicial survivors' annuities system. It reauthorized the State Justice Institute for fiscal years 1993-1996. It altered the claims litigation procedure before a newly renamed U.S. Court of Federal Claims. Public Law 102-572 also included language Senator GRASSLEY and I wrote in order to create a new civil cause of action in Federal court for victims of international terrorism.

In 1992, Congress passed a bill to authorize the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation became Public Law 102-586.

With Public Law 103-192, Congress extended pilot arbitration programs in 20 district courts for one year.

Public Law 103-420 reauthorized 10 mandatory and 10 voluntary court annexed arbitration pilot programs, and authorized the judiciary automation fund. It also extended the deadline for the Rand Corp.'s study of civil litigation.

Public Law 103-305 changed the rules on the EEOC's guidelines regarding religious harassment in the workplace. With this law, we sought to allow personal expressions of religious belief, which until that time had been prohibited. Similar language had stalled in the 102d Congress due to abortion controversies.

#### BANKRUPTCY

Our work in the Senate significantly affected the language in Public Law 96-56. This bill (H.R. 2807) originated in

the House to amend the Bankruptcy Act to prohibit the discharge of federally insured or guaranteed student loans until 5 years after graduation. The Bankruptcy Reform Act (Public Law 95-598) had repealed this prohibition until the first day of fiscal year 1980, but Congress filled the gap with H.R. 2807. Specifically, before we attached our amendment in the Senate, the bill would only have covered loans repayable directly to the Federal Government or to a nonprofit educational institution.

In 1984, we passed a much more significant bankruptcy measure to bring Federal bankruptcy courts in line with the Supreme Court's *Marathon* decision. This bill became Public Law 98-353. With *Marathon*, the Court ruled that 1978 bankruptcy law was unconstitutional because the bankruptcy judges, who are not appointed for life, should not have the same authority as other judges. The bill put bankruptcy under the jurisdiction of the district courts, but gave the article I bankruptcy judges the power to hear these cases. With this law, we averted the need to appoint 200 new article III judges for life.

Notably, with this bankruptcy legislation, we also sought to protect farmers, catfish growers, and shrimpers who lost their crops in a processing or storage facility which went bankrupt. Further, the legislation was designed to prevent drunk drivers from escaping their liability through bankruptcy laws.

Passage of this bill took time, however, and under the *Marathon* decision, the extant system would collapse—leaving half a million unheard cases. For this reason, until the major bill became law, we needed to extend the temporary arrangement twice. We accomplished the extension with Public Law 98-249 and Public Law 98-271.

Another bankruptcy law which passed in 1984, Public Law 98-531, clarified laws on retirement for bankruptcy judges.

In 1986, the Congress passed another major bankruptcy law. This law, Public Law 99-554, provided for the appointment of 52 additional bankruptcy judges. The law also allowed for the appointment of trustees under the Department of Justice to handle the administration of bankruptcy cases. Last, the bill paid special attention to small farmers who went bankrupt and included language to help them avoid liquidation.

Two other bankruptcy bills became law in 1987. Public Law 100-99 pertained to protections under title 11. Public Law 100-202 included language to specify salaries for magistrates and bankruptcy judges.

There were four more bankruptcy bills which became law in 1988. The first clarified laws pertaining to insurance benefits under the bankruptcy code for retirees. It became Public Law 100-334. A second authorized additional bankruptcy judges in Colorado, Kansas,

Texas, Alaska, and Kentucky. This bill became Public Law 100-587. A third clarified the bankruptcy laws as they applied to municipalities, including changes to the laws governing their bond issues for public works. It became Public Law 100-597. Last, Congress passed legislation to provide for retirement and survivors' annuity for bankruptcy judges and magistrates, etc. This bill became Public Law 100-569.

In 1990, we passed a bill to clarify the laws governing swap agreements and forward contracts. It became Public Law 101-311.

That year, Congress also passed a law to prohibit drunk-drivers from discharging debts arising from their actions under chapter 13. This became Public Law 101-581.

The 1990 crime bill included some bankruptcy provisions pertaining to the collection of debts to the U.S. Government and the discharge of debts in bankruptcy. This bill became Public Law 101-647.

In 1992, Congress passed a bill to authorize the appointment of additional bankruptcy judges. This bill became Public Law 102-361. Alabama was to receive another bankruptcy judge for the Northern district.

1994 saw the passage of a major bankruptcy reform bill. This bill became Public Law 103-394. It modified provisions concerning the rights of debtors and creditors and altered the relationship between secured and unsecured creditors. It increased the efficiency of the business reorganization procedures. It encouraged the use of procedures that allow individual debtors to pay their debts over time instead of facing liquidation. It also created a bankruptcy review commission to report on needed substantive changes. The bill sought to modernize the administration of the bankruptcy process by establishing clear authority for bankruptcy courts to manage their dockets activity through the use of status conferences. The bill strengthened extant law to encourage Federal appeals courts to establish a bankruptcy appellate panel to promote expedient bankruptcy appeals.●

#### TRIBUTE TO MARSHALL B. DURBIN, SR.

● Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that the late Marshall B. Durbin, Sr., would be inducted posthumously into the Alabama Business Hall of Fame. Marshall Durbin was the sort of business visionary blessed with the ability to turn his dreams into the reality of accomplishments.

Born to O.C. Durbin and Ola Culp Durbin February 27, 1901, in Chilton County, AL, Marshall Durbin, Sr., passed away in November 1971, leaving behind him then four brothers, five sisters, a widow, a son, and what is now one of the top poultry companies in the

United States, with facilities in three States, markets as far flung as Russia and the Far East, annual sales of about \$200 million, and more than 2,200 employees.

To gain a more complete understanding of Marshall Durbin, Sr., it helps to turn the pages of history back to the late 1920's when the enterprising young Alabamian—whose formal education ended at third grade—moved off the family farm to the big city of Birmingham to enter the real estate business. But the stock market crash of October 1929, followed by the Great Depression, led him quickly to the conclusion that this would not be the most profitable course to follow. Reviewing his options, Mr. Durbin decided that regardless of economic conditions, "People will want to eat." So in 1930, with \$500 in funds borrowed from his bride, the late Eula Sims Durbin, he established a retail fish stand. Two years later, he added poultry—and a second stand.

From those small retail stands Marshall Durbin Cos., grew into its present-day status as a vertically integrated company, complete with its own hatcheries, breeder flocks, contract growers, warehouses, processing plants, cooking plants, feed mills, fleet, and distribution facilities. The growth in Marshall Durbin Sr.'s business was mirrored by that of the Alabama poultry industry, which today has a major impact on the State's economy. By producing more than 882 million broilers, it provides employment for some 55,000 Alabamians and income for almost 4,000 farmers—and has a total industry impact of almost \$7.5 billion.

During his years of industry leadership Mr. Durbin actively supported organizations that would contribute to its growth—and the growth of his State. For example, he was a cofounder of the Southeastern Poultry and Egg Association, served as president of the Alabama Poultry Processors Association and was cofounder of the Alabama Poultry Industry Association. On the national level, he was a cofounder of the National Broiler Council and the first president of the National Broiler Marketing Association, plus he served 15 years as a member of the board of directors of the Institute of American Poultry Industries.

"His principle business philosophy was hard work and lots of it," remembers Marshall B. Durbin, Jr., who succeeded his father as head of Marshall Durbin Cos., after working in the business with him for many years. "In the early years, he would be on the streets making personal calls to hotels and restaurants at 4 a.m.—calling on the chefs in person. There was a lot of competition, and often the company that got the business was the first one there. "He always tried to be the first one there." Mr. Marshall, Junior, is a very good friend of mine and we have talked extensively about his father and his legacy over the years.

Another place Marshall Durbin came in first was in his belief that chicken

could be a viable business in the South. In the pre-World War II era, the Midwest seemingly had a lock on the market due to the producers' close proximity to ample supplies of corn and grain. Mr. Durbin worked long and hard to help convince railway companies to move to larger railcars and concurrently reduce rates, selling them on the argument that by the reduction they could increase volume and profits. This led to a shift in agricultural economics, with the South producing more chickens and the Midwest focusing its efforts on growing more corn and soybean to feed those chickens. He also led the way in promoting the nutritional value of chicken; it was at his urging in the early 1960's that the National Broiler Council initiated, with Kellogg's Corn Flakes and the Cling Peach Association a joint advertising program centered around this theme and aimed at women's magazines.

Mr. Marshall, Junior, also remembers his father, who over the years furthered his education with such readings as "Plutarch's Lives" and Will Durant's "The Story of Civilization", as a fair man. "He was a good leader—a fair leader. I remember him as stern but friendly. Of course as happens in most businesses we sometimes disagreed on how things should be done because of the generational differences. But I can remember that for a while after he died when I had a problem I would still find myself getting up and going into his vacant office to ask for advice \* \* \* by then I had learned that his counsel was generally right."

The son says he believes his father, who in his later years found time for fishing and always reserved his Sundays to take his granddaughters to the zoo and then out for hamburgers, would most like to be remembered for the way he helped set the course for the poultry industry in not only Alabama and the Southeast, but in the United States.

Perhaps Marshall Durbin, Senior's most significant legacy in that regard stemmed from his tenure on the U.S. Department of Agriculture National Advisory Committee in the middle 1960's. At the time, the USDA was in the process of introducing a proposal to impose production quotas and price controls on the poultry industry. Having seen what a detrimental effect similar policy measures had wreaked on the cotton industry, Mr. Durbin used his membership on the National Advisory Committee to position himself in the leadership of the opposition to quotas.

The result of those months of work in Washington, DC, are still felt today. Thanks to the efforts of Marshall Durbin, Senior and those who worked with him, no lids were imposed on poultry-production, and unlike King Cotton, long ago dethroned in the world market, the poultry business has grown exponentially. For example, when Mr. Durbin went to Washington to first battle for this cause, the United States