

agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

#### SINGING SENATORS TRIBUTE TO SENATOR MARK HATFIELD

• Mr. KEMPTHORNE. Mr. President, last Thursday evening was a special night in the life of the U.S. Senate. That night the Senate paid tribute to Senator MARK HATFIELD in anticipation of his retirement from the Senate at the end of this Congress, and in recognition of his outstanding service to Oregon, the Senate, and to the Nation.

Thursday night was one of those evenings that makes service in the U.S. Senate a privilege. As the accompanying article from the Washington Post reports, "How many politicians could get both Bill Clinton and TRENT LOTT to sing their praises. Senator MARK HATFIELD, for one." The entertainment was also a highlight. The Singing Senators—TRENT LOTT, LARRY CRAIG, JOHN ASHCROFT, and JIM JEFFORDS—brought the house down as they sang in near perfect harmony such tunes as "Dig a Little Deeper" and "Elvira."

The evening of course belonged to Senator HATFIELD. The evening's quiet humor, graciousness, thoughtful remarks, and kind words were perfect for the witty, gracious, thoughtful, and kind MARK HATFIELD. I ask that the article from the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, July 19 1996]

#### HATS OFF TO MARK HATFIELD

SENATORS GATHER TO SING PRAISES OF RETIRING GENTLEMAN FROM OREGON

(By Roxanne Roberts)

Short of giving away millions of dollars, the best way to ensure lavish tributes this year is to resign from the United States Senate.

But how many politicians could get both Bill Clinton and Trent Lott to sing their praises? Sen. Mark Hatfield, for one.

"Because he has tried to love his enemies, he has no enemies," said the president last night, thanking the retiring Oregon Republican for his unwavering conviction, humanitarian spirit, faith and 30 years of consensus building. "This town is the poorer for his leaving, but the richer for his legacy."

One could also detect a serious undertone in the Sheraton Washington ballroom that went beyond the loss of this one "remarkable man," as Clinton called him. Hatfield is one of 14 senators who have decided not to return, the largest exodus from the august institution in 100 years.

"I approach this evening with an inescapable nostalgia," said a subdued Howard Baker. Hatfield is the last of the class who, with Baker, came to the Senate in January 1967. "With his retirement, not only a distinguished career, but a political era, is ending," said the former majority leader.

Heads in the audience of more than 700 nodded in agreement. The dinner for Hatfield

was the second in what promises to be a continuing lovefest for moderate politicians on both sides of the aisle: A black-tie dinner in May for Sen. Alan Simpson (R-Wyo.) kicked off the tributes, with most of the Senate and former president George Bush in attendance.

"It was very, very touching," said Simpson last night. "I loved it."

Sen. Howell Heflin (D-Ala.), who is also leaving, noted that a retiring senator can do almost no wrong. "Most people wish you well," he said.

"They're not as demanding. Maybe they figure now you can tell them to . . .—he paused and smiled broadly—' . . . whatever.'"

Hatfield's dinner and the entertainment were delayed by—what else?—a Senate vote. So the honoree and the president opened the program with a little mutual admiration.

Hatfield, characteristically, talked about what he had in common with Clinton: both small-town boys, both governors and "both of us, in our time in Washington, have managed to irritate both the Republicans and Democrats," said the only GOP senator to vote against the balanced-budget amendment last year on principle.

"If all of us could be more like you, America would be an even greater nation," Clinton returned.

Once the "entertainment" had cast its votes, they arrived to take the stage. The "Singing Senators"—Majority Leader Lott, Larry Craig (R-Idaho), Jim Jeffords (R-Vt.) and John Ashcroft (R-Mo.)—are a cross between a barbershop quartet and IRS auditors.

"It sort of epitomizes the Senate," said Lott. "We don't always make great music, but we keep working on it."

There were high fives after the first medley. ("Anytime we start together and end together, we celebrate," Lott explained). Then they belted out three spirited but dreadful selections, including "Dig a Little Deeper" (a nod to Hatfield's chairmanship of the Appropriations Committee), and capped the performance with Lott soloing on "Elvira."

"Think of it this way: It's in a good cause," observed emcee Cokie Roberts wryly.

The cause, the Mark O. Hatfield Library at Willamette University in Hatfield's home state, received the proceeds of the \$500-per-seat event. Even lobbyists contributed solely out of admiration for Hatfield.

"Hatfield's leaving, so there's nothing he can do for us," said one who declined to identify himself. "He has been a straight-shooter his entire career. He's a good guy and deserves the recognition."

After dinner, a video chronicled Hatfield's career, including his opposition to the death penalty and his work to ban nuclear testing.

When it was his turn to speak, Hatfield didn't crack a smile. "He's always reserved and serious," said Sen. Jay Rockefeller (D-W.Va.). "And yet, when you're alone with him, he's gentle, thoughtful, kind. He's just a splendid human being."

Calling himself truly blessed, Hatfield thanked his family and staff. The son of a blacksmith and a schoolteacher also thanked long-dead teachers and voters, then moved on to his colleagues.

"For your diversity—Republicans, Democrats, Independents—you have helped keep me in the political center," said Hatfield.

"And I'm grateful."

#### TRIBUTE TO SAM M. GIBBONS

• Mr. GRAHAM. Mr. President, it was a great privilege for me to introduce legislation to name the Federal Courthouse in Tampa, FL as the Sam M. Gibbons United States Courthouse.

The Honorable SAM GIBBONS has devoted his entire life to serving the United States of America. A veteran of World War II, GIBBONS was awarded the Bronze Star after parachuting into Normandy on D-day as a part of the initial Allied assault force. He achieved the rank of captain in the 501st Parachute Infantry of the 101st Airborne Division before embarking on his long and distinguished career as a public servant.

GIBBONS' career in public service began with his election to the Florida House of Representatives in 1952. In the Florida House, he passed legislation creating the University of South Florida and is appropriately recognized as The father of the University of South Florida. In 1958, GIBBONS' moved from the House to the Florida Senate where he enacted legislation to establish Florida's regional water management districts. These districts are vital to Florida's ability to allocate and preserve its precious water resources.

GIBBONS barnstormed into the U.S. Congress in 1962. President Johnson appointed GIBBONS, then a junior Congressman, floor manager of his Great Society initiatives. GIBBONS deftly steered this legislation, including Project Head Start, through the Congress. He also wrote the law that allows Americans over the age of 55 to protect, from taxation, capital gains from the sale of their primary homes. Despite his enormous achievements in social policy, GIBBONS' experience as a legislator was not limited solely to domestic issues.

As acting chairman of the House Ways and Means Committee in 1994 and chairman of the Ways and Means Trade Subcommittee from 1981 through May 1994, GIBBONS has been a champion of open markets and free trade around the world. Under his direction, two of our Nation's most comprehensive trade agreements, the North American Free Trade Agreement [NAFTA] and the General Agreement on Tariffs and Trade [GATT] passed Congress, and were signed into law.

Today, Congressman GIBBONS sits as the Dean of the Florida congressional delegation. At the end of the 104th Congress, GIBBONS will complete his 17th term representing the Tampa Bay area. The GIBBONS family has lived in Tampa for more than a century. Congressman and Mrs. Gibbons, who will celebrate their 50th wedding anniversary this year, have also served together tirelessly to improve the lives of all Tampa residents.

A graduate of the University of Florida College of Law and a member of Florida Blue Key, GIBBONS has served the State of Florida and the United States of America with distinction. This courthouse should be named as a tribute to the lifetime works of Congressman SAM M. GIBBONS. •

#### HONORING THOMAS ROMANO

• Mr. LIEBERMAN. Mr. President, I rise today to honor Thomas Russell

Romano, executive director of the adult day center in Branford, CT. Through his efforts over the past 15 years, the East Shore Regional Adult Day Center has become a model organization for the care of the elderly, as well as for physically and mentally challenged adults.

The adult day center has organized many activities to foster community growth. Many activities involve children from area schools as part of the center's intergenerational program which has been organized. An event such as this one provides an invaluable experience for not only the adults, but the children as well. In addition, the adult day center has started the expansion of its therapeutic recreation outdoors program. Various community groups—churches, service organizations, businesses, and others—have received this project very well, showing their enthusiasm with financial support.

Mr. Romano and the staff at the center has provided respite from 24 hour care for over 600 families in the Greater New Haven area. The programs that they have organized not only foster the growth of these individuals, but it also prevents the premature institutionalization of these individuals as well.

The adult day center has been an innovator in meeting the social and health care needs of this special population by providing services such as medical monitoring and recreational therapies, among others. Thomas Russell Romano, in his position as president and C.E.O. of this organization, has twice been distinguished with Certificate of Award by the Connecticut Department on Aging for his dedication and work with the facility.

In the future, I hope that the work of Mr. Romano shall continue to flourish and expand in scope to reach a more expansive area. On the occasion of the 15th anniversary of the East Shore Regional Adult Day Center, Mr. Romano and the entire staff should be commended on the tireless work and dedication which they have shown in furthering the development of not only the individuals who participate in the program, but the development of the community as well.●

#### DUCKING ON AFFIRMATIVE ACTION

● Mr. SIMON. Mr. President, the New York Times recently had an editorial titled *Ducking on Affirmative Action*.

The subject is the refusal of the Supreme Court to consider a decision by the Fifth Circuit Court of Appeals that would have devastating consequences for our society.

No one should underestimate the shortsightedness and the harm that can come from leaving the Hopwood decision of the fifth circuit stand.

Mr. President, I ask that this article from the New York Times be printed in the RECORD.

The article follows:

#### DUCKING ON AFFIRMATIVE ACTION

In a hurtful blow to affirmative action in higher education, the Supreme Court said on Monday that it would not hear an appeal by the state of Texas from a lower court ruling that barred public universities from using race as a factor in selecting students. With this sidestepping, the Court left officials in at least three Southern states who are working to open educational opportunities for minorities in an untenable state of uncertainty. It also sowed confusion nationwide—hardly an uplifting way for the Court to finish its term and head into recess. The Court should instead have seized the opportunity to reject the lower court's flawed pronouncement and reaffirmed its historic commitment to carefully designed affirmative action.

The high court seemed insensitive to the long history of racism at the University of Texas Law School, whose affirmative action program was challenged by rejected white applicants, giving rise to the case. As late as 1971, the law school admitted no black students. The Court also ignored the Clinton Justice Department, which filed a brief warning that the "practical effect" of the lower court's holding "will be to return the most prestigious institutions within state university systems to their former 'white' status."

The refusal to hear the case left standing a ruling by the United States Court of Appeals for the Fifth Circuit that caused justifiable consternation in the academic world three months ago. An appellate panel invalidated a special admissions program at the Texas law school aimed at increasing the number of black and Mexican-American students. In doing so, the panel took the gratuitous, additional step of declaring the Supreme Court's landmark 1978 affirmative action decision in the so-called Bakke case no longer good law. That case, involving a suit by a rejected white applicant who sought entry to a California state medical school, resulted in a ruling that barred the use of quotas in affirmative action plans but permitted universities to use race as a factor in choosing among applicants to serve the "compelling interest" of creating a diverse student body.

If Bakke is no longer good law, it is for the Supreme Court to declare. But instead of grabbing the case to reassert Bakke's sound principle, the justices found a way out in the odd posture of the case. In an unusual one-paragraph opinion that was also signed by Justice David Souter, Justice Ruth Blader Ginsburg said that the Court was denying review because the case did not actually present a live controversy. The kind of two-track admissions system that inspired the legal challenge is no longer used or defended by Texas, she explained. Like most other colleges and universities, the University of Texas Law School now uses a single applicant pool, in which race is one factor to be considered among others in choosing among the qualified.

Justice Ginsburg's message, a welcome one, was that the Court's refusal to hear the case should not be read as an endorsement of the Fifth Circuit's analysis. But, in fact, there was a remaining live controversy before the Court in the Fifth Circuit's direction to a state's leading law school to complete-direction to a state's leading law school to completely excluded race as a factor in future admissions. The shame is the Court declined to address it.

Instead, the Court left behind a mess. Its refusal to hear the case has put educational institutions in the three states that make up the Fifth Circuit—Texas, Louisiana and Mississippi—in a terrible spot. They could face punitive damages if they fail to change their

practices to conform to an ill-considered ruling that may ultimately be judged an incorrect statement of the law.

Nervous educators elsewhere in the nation can find some comfort at least in Justice Ginsburg's benign explanation. Eventually, this equal rights battle will find its way back to the Supreme Court. Meanwhile, it is premature to give up on affirmative action programs still needed to blot out historic racial bias and promote educational diversity.●

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 588, Edmund Sargus. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

Edmund A. Sargus, Jr., of Ohio, to be United States District Judge for the Southern District of Ohio.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### ORDERS FOR TUESDAY, JULY 23, 1996

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, July 23; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume the reconciliation bill as under the previous order.

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

#### PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, tomorrow morning, beginning at 9:30, there be a lengthy series of rollcall votes on, or in relation to, amendments to the reconciliation bill. Members should be alerted that there may be as many as 24 consecutive rollcall votes.

Mr. President, I now ask unanimous consent that beginning after the first vote, all remaining votes in the voting sequence be limited to 10 minutes in length.