

nomination and vote on it. I have inquired about a time agreement but gotten no response. Now that an opponent has finally come forward to identify himself, I look forward to a prompt debate and a vote on this nomination in accordance with the apparent commitment of the majority leader. I look forward to that debate. I ask again, as I have done repeatedly over the last several months, why not now, why not today, why not this week?

I again urge the majority leader to call up the nomination of Margaret Morrow for a vote. She has suffered enough. The people of the Central District of California have been denied this outstanding jurist for long enough. The chairman of the Judiciary Committee said last month that he had the assurance of the majority leader that she will be called up for a vote but neither has said when that will be. I hope that the majority leader will proceed to the consideration of this nomination and that he will support Margaret Morrow to be a district court judge for the Central District of California.

STATEMENT ON THE NOMINATION OF PAUL R. CAREY TO BE A COMMISSIONER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in emphatic support of the nomination of Paul R. Carey of New York to be a commissioner of the Securities and Exchange Commission. Mr. Carey, who has served since 1993 as special assistant to President Clinton, is an inspired public servant who is exceptionally well qualified for this position.

I have known Paul Carey, boy and man. He was born in Brooklyn, the borough of churches. And indeed it was in a sort of church that we first met. It was in the summer of 1977. I was a newly serving Senator and Paul's father was New York's Governor. It was through Hugh Carey's heroic efforts that New York City was saved from bankruptcy. As I have often said elsewhere, Hugh Carey was New York's greatest Governor since Al Smith. Paul's father and I had gathered, along with several hundred others at Siena College, to be present at the induction of Howard Hubbard to serve as the bishop of the Diocese of Albany. Paul accompanied his father that day. He was still in grade school but he was attentive throughout and his firm handshake alone identified him as his father's son. We became friends and I shared his family's pride as he progressed through high school, graduated from Colgate University, and entered the world of business and finance.

But I think he was always interested in public service. In 1991 he chanced upon my wife Liz in the Albany train station and said as much. He joined the Clinton administration at the first. And he has just shone. Paul has exemplified what Alexander Hamilton called Energy in the Executive. No bill has been too complex to yield to his explanation. Few Senators are able to withstand his persuasive powers. He has seen the President's program through.

Paul has proved his worth and his talents have not escaped the President's notice.

If I may say Mr. President, Paul's time in the White House will serve him well at the SEC. For despite being an independent agency, the Commission is within a part of the national government. As such, it is useful to have a Commissioner who knows intimately the workings of the legislative and executive branches. Government has been called the art of the possible. Paul has over these last years learned what is possible and what is not. As the Commission confronts a world made more complex by technology and the globalization of finance, proposals will be made for regulations and laws of great sweep and broad scope. Having a Commissioner who knows what can be done as well as what should be done will allow the Commission to better serve us all.

Mr. President, I do not believe there is any representative of the administration who enjoys a higher degree of respect on Capitol Hill than Paul Carey, as was demonstrated by the unanimous vote in favor of Paul's nomination by the Senate Banking Committee, and by the enthusiastic support of its chairman, Senator D'AMATO.

Mr. President, I urge the Senate to follow suit and confirm the nomination of Paul Carey by a unanimous vote.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 137 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (S. Res. 137) to authorize testimony, production of documents and representation of employees of the Senate in the cases of *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney*.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney* are two criminal cases set for trial in the Superior Court of the District of Columbia, charging the defendants, two former Senate employees, with financial misconduct during their former Senate employment.

Three employees of the Secretary of the Senate not implicated in the al-

leged wrongdoing have been subpoenaed by the Government to testify at these trials. This resolution would authorize these Senate employees to testify, and would also authorize representation of these Senate witnesses by the legal counsel. The resolution also would authorize the Secretary to release Senate records and documents relevant to these cases.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution was agreed to.

The preamble read as follows:

S. RES. 137

Whereas, in the case of *United States v. Tara LaJuan Edwards*, Case No. MI2677-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire, Billy R. Smith, and Kristine D. Brown, employees of the Secretary of the Senate;

Whereas, in the case of *United States v. Robbin Tiffani Stoney*, Case No. MI2598-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, employees of the Secretary of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, are authorized to testify in the cases of *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Secretary of the Senate is authorized to release Senate records and documents relevant to these cases.

SEC. 3. That the Senate Legal Counsel is authorized to represent James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, in connection with *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*.

ORDERS FOR WEDNESDAY, OCTOBER 22, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it stand in adjournment until the hour of 12 noon on Wednesday, October 22. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each, with the exception of Senator BAUCUS for 15 minutes.

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

Mr. LOTT. I also ask unanimous consent that at 12:30 p.m. the Senate resume consideration of S. 1173, the ISTEA reauthorization bill.

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

PROGRAM

Mr. LOTT. Tomorrow, the Senate will be in a period of morning business until the hour of 12:30, after coming in at noon. At 12:30, we will go back to the ISTEA legislation. It is hoped that the Senate will make some progress on this important legislation which authorizes the funding for transportation projects and safety programs so essential to the transportation infrastructure of this country.

As a reminder to all Senators, a cloture motion was filed this afternoon on the ISTEA legislation. Therefore, all second-degree amendments must be filed prior to the vote on Thursday. In addition, a cloture vote will occur on Thursday, with the exact time to be announced later, with the mandatory quorum being waived.

In addition, the Senate may turn to appropriations conference reports that become available at any time and, of course, Members can expect votes during the day tomorrow.

I know Senator CHAFEE, the distinguished Senator from Rhode Island, would like very much to get on with the substance of this bill. I believe it is important legislation and that there is a growing desire to work together on this bipartisan issue, and I believe and hope that we will get cloture on Thursday. If not, then we would have another vote on Friday, so that we could get to the germane amendments and deal with this issue in a serious way.

It is my intent to continue to work with the members of the committee—they have done good work on this legislation, it was reported out of the committee unanimously—and complete action on it next week so we will have this 6-year bill completed in the Senate. Then we can see what might happen at that point. Then it would be my intention, shortly after that, whenever that may be, late next week I hope, to go to fast track legislation.

This is ambitious, but these are very important bills that I believe most Senators want us to act on. The President of the United States today personally asked me to try to move both of these bills, and I will continue to work

with Senator DASCHLE and other Senators to try to find a way to move this process forward. We did have some good faith exhibited today. Our committees were allowed to meet. We did move some nominations that are required, needed for the administration in order for it to be able to do its work. I hope we can continue in that vein.

So far we have not been able to get everybody to agree to a process whereby we can move on to important, substantive legislation like ISTEA and fast track and Amtrak and adoption and foster care legislation. But it is certainly my intention to do everything I can to get to these serious issues.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the distinguished Senator from Alaska, Senator MURKOWSKI. I yield the floor.

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

WARD VALLEY LOW-LEVEL WASTE DISPOSAL FACILITY

Mr. MURKOWSKI. Mr. President, it is often useful to compare the public statements of Government officials with their private statements. Such a comparison can say a great deal about an official's true motives, not to mention their character. Last week, in response to a question I posed for the public record, the Department of the Interior provided me with a copy of a memo written by Deputy Secretary of the Interior John Garamendi to his boss, Secretary Bruce Babbitt. This memorandum was dated February 21, 1996, and it concerns the Ward Valley low-level waste disposal issue.

For those who do not know, Ward Valley is the site of a low-level radioactive waste facility licensed by the State of California under the Federal Low-Level Radioactive Waste Policy Act. The site sits on the Bureau of Land Management land in a remote and sparsely populated area of the Mojave Desert. But the Department of the Interior reversed an earlier decision to sell the land to California, and has insisted on study after study to achieve endless delays.

Meanwhile, low-level radioactive waste is piling up at hundreds of urban locations all across California. It is stored in basements, stored in parking lots, stored in trailers, stored in warehouses, and temporary shelters. It is on college campuses, it is in residential neighborhoods, it is in hospitals—sites that were not designed for permanent storage. As long as the waste in these temporary locations in populated areas is where it is, it is subject to accidental radioactive release from, fire, earthquakes, and floods.

Governor Wilson is understandably concerned about the health and safety

of Californians. That is his job. He is frustrated by the delays California has faced in trying to get this facility open, and so am I.

I am further frustrated by the fact that the President's nominee to be the Deputy Secretary of the Interior, Mr. John Garamendi, appeared before our committee, the Energy and Natural Resources Committee, on July 27, 1995, and testified under oath that Ward Valley and the issue should and would be quickly resolved. Mind you, this was July, 1995.

It may interest my colleagues to know that Ward Valley was scrutinized by two—not one, but two—environmental impact statements under NEPA, and two biological opinions under the Endangered Species Act. Although all these environmental reviews have been favorable to the Ward Valley facility, the Secretary of the Interior continues to opt for further studies rather than just transferring the land to California.

In 1994, having seemingly exhausted the studies available to delay the process under NEPA and the Endangered Species Act, the Secretary turned to the National Academy of Sciences and asked for yet another study. But in May 1995 the National Academy of Sciences study was complete, and again it was favorable to the Ward Valley site.

Finally, it appeared that Secretary Babbitt had little choice but to transfer the land, and announced his intention to do so in May 1995. Environmentalists bitterly complained. Greenpeace even picketed the Secretary. Movie stars and pop singers rallied against the facility. It did not matter what the science said. The facts didn't seem to matter. It was simply good politics in California to oppose a radioactive waste site and I guess the Secretary did not like the unfavorable press he was getting at the time.

Indeed, the politics of Ward Valley seems to loom large in another memorandum that we have uncovered, going back to 1993. I have a memorandum to the Secretary from October 19, 1993, that speaks to the prevailing mindset at Interior, and it says:

And I quote:

This memorandum addresses only the politics of Ward Valley. I can imagine no scenario that allows us to go forward with the land transfer and retain credibility with Boxer and the enviros.

So to keep themselves out of hot water with environmental groups, Deputy Secretary Garamendi had to devise a new way to delay Ward Valley while simultaneously waging a public relations and political campaign against the site.

As far as John Garamendi was concerned, a new excuse for a new study and further delay simply had to be found.

So in February 1996, the Department of Interior evidently struck gold, or thought they had. A former low-level waste facility in Beatty, NV, was determined to be "leaking."