

signed, we then proceed to develop the implementing legislation in consultation with the President.

After all that, Congress still exercises a veto over the President's action by voting on the agreement and implementing bill. Those conditions are necessary to ensure the President fulfills the objectives set by Congress. They are also needed to ensure that Congress and the President do, in fact, speak with one voice on trade matters.

I firmly believe that bill strengthens the role of Congress and the trade agreements process to an unprecedented extent and lets our trading partners know that the President is answerable to Congress for any agreement he may reach.

Third, laying the foundation for our economic future will require a partnership here in Congress, as well. We will not make progress toward our common goal of providing for America's economic future without strong bipartisan support for our trade policy.

I was extremely heartened by the vote yesterday and expect to see the same bipartisan support for the motion under consideration and for the bill itself. At the same time, the debate identified important issues that must be fully examined in order to sustain that bipartisan future.

As chairman of the Finance Committee, I intend to ensure that the committee addresses those issues of critical importance to the well-being of every American. I look forward to working with my colleagues toward this end. Nonetheless, I believe we must take the first step now to exert the leadership on trade that only the United States can provide. The President must have fast-track negotiating authority. I urge my colleagues strongly to support the motion to proceed.

Mr. MOYNIHAN. Mr. President, I rise simply to affirm in the strongest terms that the chairman of the Senate Finance Committee has been faithful to his duties. He has kept a committee united, minus one vote, in an otherwise unanimous decision. He has been meticulous in his concern that American workers will have their interests pursued here, the environment will be looked after, but ladening these matters on trade negotiations will only ensure they will fail and not bring the benefits we desire.

I want to congratulate him. We cannot do any better than we did yesterday, but let's hope we do as well.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to proceed to S. 1269, the Reciprocal Trade Agreements Act of 1997.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessary absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—68

Abraham	Dodd	Lautenberg
Akaka	Domenici	Leahy
Allard	Frist	Lieberman
Ashcroft	Glenn	Lott
Baucus	Gorton	Lugar
Bennett	Graham	Mack
Biden	Gramm	McCain
Bingaman	Grams	McConnell
Bond	Grassley	Moynihan
Breaux	Gregg	Murkowski
Brownback	Hagel	Murray
Bryan	Hatch	Nickles
Bumpers	Hutchinson	Robb
Chafee	Hutchison	Roberts
Cleland	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnson	Santorum
Collins	Kempthorne	Smith (OR)
Coverdell	Kerry	Thomas
Craig	Kerry	Thompson
D'Amato	Kohl	Warner
Daschle	Kyl	Wyden
DeWine	Landrieu	

NAYS—31

Boxer	Ford	Sarbanes
Burns	Harkin	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (NH)
Conrad	Inhofe	Snowe
Dorgan	Kennedy	Specter
Durbin	Levin	Thurmond
Enzi	Mikulski	Torricelli
Faircloth	Moseley-Braun	Wellstone
Feingold	Reed	
Feinstein	Reid	

NOT VOTING—1

Stevens

The motion was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, first, I wish to compliment Senator ROTH and Senator MOYNIHAN for their leadership on this very important issue on fast track.

I will announce—I think it has been disclosed to both sides—that will be the last rollcall vote today.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there now be a period of morning business until the hour of 6 p.m. with Senators permitted to speak for up to 10 minutes each, with Senator GORTON permitted to speak for 15 minutes.

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

SENATOR WAYNE ALLARD: RECIPIENT OF THE GOLDEN GAVEL AWARD

Mr. NICKLES. Mr. President, it is a longstanding tradition in the Senate to recognize and honor those Senators

who serve as Presiding Officers of the Senate for 100 hours in a single session of Congress. Today, we add to the list of Golden Gavel recipients Senator ALLARD of Colorado, whose presiding hours total 100 hours today.

November 5 is a very significant date for Senator ALLARD and his family, as on November 5, 1996, 1 year ago today, Senator ALLARD was elected to the U.S. Senate. Therefore, it is an appropriate date to recognize his contributions as a Presiding Officer of the Senate.

With respect to presiding, Senator ALLARD has been extremely generous with his time and has often rearranged his schedule at a moment's notice—and, I might add, with the assistance of his very courteous staff—to assist in presiding when difficulties arise. As a Presiding Officer, his dedication and dependability are to be commended. It is a great pleasure to announce Senator WAYNE ALLARD of Colorado as recipient of the Senate's Golden Gavel Award.

My compliments to my friend, my colleague, and the Presiding Officer.

The PRESIDING OFFICER. Thank you.

(Applause, Senators rising.)

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, for the information of all Senators, we will now have a period of morning business until the hour of 6 p.m. with Senators to be allowed to speak for up to 10 minutes each.

Mr. DORGAN. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. DORGAN. Mr. President, I wonder if the Senator from Oklahoma could inform us of the unanimous-consent request that affects business on the floor of the Senate tomorrow. My understanding is the pending unanimous consent request deals with the DOD authorization bill. The reason I ask the question is I am interested in learning when we will come back to the regular order, which will be the fast-track consideration of the fast-track proposal.

Mr. NICKLES. To respond to my colleague, the Senate has already agreed to a unanimous-consent request that would call for the DOD authorization bill to be voted on tomorrow at some time, at 2 p.m. I think the order calls for 4 hours of debate. We will go on it at 10, and vote at 2.

That is on the DOD conference report.

Beyond that, I am not prepared to tell my colleague what—I know the House is planning on voting on the fast-track authorization on Friday. There is some discussion that since that is a House bill and we are working on the Senate bill, we might entertain taking up the House bill when it passes so we wouldn't be working on two different bills.

Mr. DORGAN. If the Senator will yield further, my understanding is the

motion to proceed prevailed by the most recent vote, and the result is now the regular order of the Senate would be the fast-track legislation. The Senator asked unanimous consent to go to morning business. I didn't object to that. We also have a unanimous consent for tomorrow's proceedings dealing with DOD authorization. At that point, does the Senator expect to go back to the legislation pending, or can the Senator inform us whether he will be propounding additional unanimous-consent requests with respect to Senate business?

Mr. NICKLES. To respond to my friend and colleague, I think the next order, after we pass the DOD authorization bill, would be to take up the District of Columbia appropriations conference report, or appropriations bill. In addition to that, we may well be taking up Amtrak reform legislation, which has also been working its way through, not exactly on a fast track, but it has been working its way through, and hopefully we can get it done as well.

Mr. DORGAN. When does the Senator expect us to get back to the fast-track legislation?

Mr. NICKLES. That remains to be seen. That is really Senator LOTT's call. It may well be Thursday. It may well be Friday. It may well be after the House would take it up.

Mr. DORGAN. Further inquiry. I will appreciate the Senator's response.

As I understand it, conference reports are privileged matters.

Mr. NICKLES. That is correct.

Mr. DORGAN. They can be brought to the floor of the Senate at any time. Amtrak and other intervening legislation will require unanimous consent, is that correct?

Mr. NICKLES. I would have to ask the Presiding Officer on Amtrak. My colleague is correct on the conference reports on appropriations bills. Yes, they could.

We have four appropriations bills that we are trying to get through. It happens to be that we are at a deadline by November 7, so our highest priority is try to complete the various authorization bills.

Mr. DORGAN. If I might just inquire further, the reason I ask the question is that because we are on the legislation dealing with fast track, there are a number of Senators who will be wanting to offer amendments. It will not be a pleasant experience to learn that we move to other things and then come back to fast track with some understanding there is no time for amendments. I am just inquiring to try to determine what the expectation of the leadership is with respect to the fast-track legislation.

Mr. KERRY. Mr. President, would the acting leader yield for a minute?

Mr. NICKLES. First, let me respond to my colleague, Senator DORGAN. I hear what the Senator is saying. I know that the Senator has some amendments he wishes to offer on fast

track. I know that we wish to pass fast track. We also wish to pass Amtrak reform and we also wish to pass all the appropriations bills, and we only have a couple of days. So we are going to try to accommodate everybody's requests. But the highest priority I believe will be to pass the appropriations conference reports as soon as possible. I believe the D.C. bill will be the first one up. That is not a conference report. It is a bill. But I think we have an agreement on D.C., so we will get that one accomplished. Hopefully then we will have three other conference reports we will be able to do in the next day or two, and we will have, I am sure, some additional time for my colleague to spend on fast track as well.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the distinguished Senator from Massachusetts.

Mr. KERRY. Mr. President, if I might share with my friend from North Dakota information with respect to at least Amtrak. We have an agreement now reached with respect to Amtrak. The language is now in print, and I believe it is being hotlined on both sides.

So with respect to the Amtrak effort in terms of any interruption, we would anticipate that going through here in a minimal amount of time. I am not sure how much the chairman of the committee, Senator MCCAIN, wants, but I would not imagine it will take more than half an hour or so. And so I do not think that will interrupt the course of business with respect to fast track in any significant way.

Mr. DORGAN. If the Senator will yield, an agreement on Amtrak would be welcome news I think to all Members of the Senate, and it would not be my intention to try to obstruct that. I am simply trying to determine when we might get back to fast track so that we might entertain amendments.

NOMINATION OF BILL LANN LEE TO BE ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

Mr. THURMOND. Mr. President, I rise today to express my opposition to the nomination of Bill Lann Lee to be Assistant Attorney General for Civil Rights. I have reached this conclusion only after much thought and careful consideration. But I am certain that this is the right course. I commend Senator HATCH for his leadership and the excellent statement he delivered on the floor yesterday in this regard.

When the possibility that Mr. Lee would be nominated for this position was first brought to my attention, I was impressed by what I heard. Mr. Lee was born to a hard-working, determined family of Chinese immigrants. His success at Yale and Columbia University Law School reflects that he inherited a commitment to succeed. I was also assured then, and continue to believe, that he is a man of character, honesty, and intellect. I relayed that impression to the White House.

After Mr. Lee was nominated, I met with him and made clear that I had an open mind regarding his nomination. I told him that his positions on the issues would be critical, and that the committee was eager to hear his answers to questions.

Before the hearing, some expressed alarm at many of the cases and positions that Mr. Lee had taken during his leadership in activist civil rights organizations. They were concerned about whether he would use his job and army of attorneys in the Justice Department to advance the same agenda he had pursued for the Legal Defense Fund. I understood this. But, at the same time, I have known since my days as a small town lawyer that a good attorney is a strong advocate for his client, regardless of whether he agrees with everything the client wants.

Mr. Lee had an obligation to convince us at the hearing that he could transfer from the role of creative advocate for activist civil rights organizations to neutral and objective enforcer of the Nation's civil rights laws. This he failed to do. He would not give any cases or positions that he had brought on behalf of the Legal Defense Fund that he would not bring as head of the Civil Rights Division. He would not cite any difference between himself and the last civil rights chief, Deval Patrick, who was an unwavering proponent of the civil rights agenda of the left. Unfortunately, it became clear during the hearing that Mr. Lee's advocacy is guided by a dedicated personal commitment to the positions he has advanced over the years.

Mr. Lee started by proclaiming that proposition 209 is unconstitutional. In proposition 209, the people of California voted to end all government preferences and set-asides on the basis of race, sex, or national origin. Then, with the active support of Mr. Lee and his organization, a Federal judge blocked the will of the people, saying the referendum was unconstitutional. The claim was that proposition 209 violated the 14th amendment, when in reality it mirrored the 14th amendment. Far from violating the Constitution, proposition 209 essentially states what the Constitution requires. The Ninth Circuit recognized this simple fact on appeal. Regardless, Mr. Lee is steadfast in his view that it was unconstitutional for the people of California to bring preferences to an end.

Another disturbing but related issue involves judicial taxation. I firmly believe that Federal judges do not have the Constitutional power to raises taxes or order legislative authorities to raise taxes. It is a simple issue of separation of powers. Taxes are a matter for the legislative branch, the branch that is responsive to the people. The organization for which Mr. Lee works was instrumental in the decision of a Federal judge in Missouri to order that taxes be raised. Mr. Lee would not disavow this approach. Although he stated that if confirmed he would not ask